

<p>1 Monday, 29 April 2019 2 (1.30 pm) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good afternoon to everybody. I'm Alexis Jay 5 and, as you will know, I'm the chair of the Independent 6 Inquiry into Child Sexual Abuse. May I also introduce, 7 for those of you who don't know, the other panel members 8 present: Ivor Frank, Professor Sir Malcolm Evans and 9 Drusilla Sharpling. 10 Riel Karmy-Jones Queen's Counsel, who is one of the 11 inquiry's counsel team, will be facilitating today's 12 event and will be speaking to you shortly. 13 I'm very pleased to welcome all of those seated 14 around the table who have agreed to take part today and 15 also all of those in attendance in the public gallery. 16 Thank you for coming. 17 Today's seminar, of course, is on mandatory 18 reporting of child sexual abuse. Ms Karmy-Jones will 19 explain further what we mean by mandatory reporting for 20 the purpose of today's and tomorrow's discussions. 21 Inquiry seminars are designed to gather information 22 and views on a range of important topics and they make 23 a valuable contribution to the inquiry's work. Although 24 seminars are not formal evidence-gathering sessions in 25 the same way as our programme of public hearings, what</p> <p style="text-align: center;">Page 1</p>	<p>1 we hear during seminars assists us greatly in our work 2 in a number of important ways. 3 For example, it can provide us with greater insight 4 into existing arrangements and also it assists us in 5 gathering current opinion from people like yourselves on 6 the matters which the inquiry is considering, including 7 the opinions of those whose work or experiences give 8 them a frontline or first-hand perspective. 9 This is the second seminar that we have held on 10 mandatory reporting of child sexual abuse. The 11 inquiry's first seminar on this topic was held 12 in September 2018. During that seminar, we heard about 13 existing obligations to report child sexual abuse in 14 England and Wales and about how mandatory reporting laws 15 operate in other countries. The panel and I found the 16 discussion and presentations during the first seminar 17 very informative and were, of course, disappointed that 18 we had to curtail the seminar due to the rather dramatic 19 structural issues that befell in this room. I committed 20 to finding a way of covering the issues that 21 participants were, unfortunately, not able to discuss 22 and, for that reason, we made the decision to extend 23 this seminar to a day and a half. In a moment, 24 Ms Karmy-Jones will say more about how we intend to 25 cover outstanding issues during this seminar and she</p> <p style="text-align: center;">Page 2</p>
<p>1 will also introduce the overall format as well as the 2 rules we need to observe. 3 In this seminar we will seek to better understand 4 the range of views and arguments for and against the 5 introduction of a statutory duty to report child sexual 6 abuse in England and Wales; we also want to better 7 understand the impact that mandatory reporting could 8 have; and, thirdly, the practical considerations of 9 introducing a mandatory reporting law that would need to 10 be taken into account. 11 The panel and I are pleased that such a broad range 12 of organisations are represented today, including one 13 participant who has joined us from overseas. In 14 particular, we would like to take this opportunity to 15 say thank you to all of you who are contributing from 16 the perspective of victims and survivors of child sexual 17 abuse. Your contribution is greatly appreciated by the 18 panel. 19 So the panel and I are here to listen and are 20 looking forward to an interesting afternoon and to 21 discussions tomorrow. 22 Once again, thanks to all of you who are 23 participating and to those of you who have taken the 24 trouble to be present today in the public gallery. I'll 25 now hand you over to Ms Karmy-Jones.</p> <p style="text-align: center;">Page 3</p>	<p>1 Opening remarks by MS KARMY-JONES 2 MS KARMY-JONES: As the chair has said, I'm a member of the 3 inquiry's team of lead counsel and I'm assisted today by 4 Lara McCaffrey, junior counsel to the inquiry, who sits 5 on my left, and Bethany Atkinson, who sits on my right, 6 and Jack Gray from the inquiry's policy unit, who sits 7 at the back there. 8 As many of you know, I have facilitated a number of 9 the inquiry's previous seminars. My principal area of 10 practice is in serious crime and I've prosecuted many 11 criminal trials involving sexual offences and in 12 particular child sexual offences. 13 That has meant that I've had quite a lot of dealings 14 with the victims and survivors of these sorts of 15 offences and of this particularly pernicious type of 16 abuse, and so I have been able to see and appreciate the 17 devastating and long-term impact that this type of abuse 18 can have, both on victims and on those around them who 19 love them and who care for them. 20 My role today and tomorrow is to facilitate this, 21 the second seminar on mandatory reporting, which means 22 that I'm going to try and encourage a positive, 23 constructive and, we hope, lively debate on this very 24 important topic. 25 Now, we want to gather as broad a range of views and</p> <p style="text-align: center;">Page 4</p>

<p>1 reflections as possible on both sides of the debate, and                  2 to ensure that everyone around this which we call "the                  3 horseshoe" has an opportunity to speak and to contribute                  4 if they wish to, so I will be keeping to time and will                  5 stop anyone who tries inadvertently to divert from                  6 topic. I also want to remind all present that the                  7 purpose of the seminar process is for speakers to give                  8 their opinions in a friendly and co-operative                  9 environment; it's not a forum for cross-examination of                  10 others or for submission, long speeches, giving                  11 evidence, about events that are taking place elsewhere,                  12 nor is it the place in which to ventilate anger about                  13 any specific grievance that you may have. Please do be                  14 aware that it's not part of this inquiry's function to                  15 determine civil or criminal liability of individuals or                  16 organisations. As you know, and as the chair has said,                  17 this seminar sits within the inquiry's wider body of                  18 work and the terms of reference are published on the                  19 inquiry's website for anyone who wishes to refer to                  20 them.</p> <p>21 I'm just going to turn to mandatory reporting and                  22 look at what is mandatory reporting.</p> <p>23 In a nutshell, it is what it says on the tin, if                  24 that -- I perhaps should say, "It is what it says on the                  25 shell", rather than mixing my metaphors, but the idea is</p> <p style="text-align: center;">Page 5</p>	<p>1 that it should be mandatory to report. So mandatory                  2 reporting, mandatory to report. For the purpose of this                  3 seminar, it's the concept of a legal requirement, or the                  4 idea of such a legal requirement, that knowledge,                  5 concern, suspicion or belief of child sexual abuse                  6 should be reported to a designated authority. There are                  7 many different roles and models of mandatory reporting,                  8 some apply more widely than others. For example, some                  9 extend to physical abuse without a sexual context and                  10 some even to psychological abuse and neglect. But                  11 during the course of this seminar, we're going to focus                  12 on a narrow reporting duty that applies only to child                  13 sexual abuse. Although we may touch on and consider                  14 models that are in use elsewhere, of course we mustn't                  15 forget that our scope is relating to England and Wales.</p> <p>16 As we know, there are many different and                  17 strongly-held opinions on this topic, and it's important                  18 to note that the inquiry at this point is entirely                  19 neutral on the issue of mandatory reporting and doesn't                  20 take a stand on one side or the other.</p> <p>21 That is why it's important to hear what you all have                  22 to say.</p> <p>23 The information that we have and will gather from                  24 our seminars, from the evidence, from the inquiry                  25 investigations and our other wider work between now and</p> <p style="text-align: center;">Page 6</p>
<p>1 the end of the inquiry, which includes the continuing                  2 consideration of victims and survivors' personal                  3 experiences, reporting their abuse, and shared with us                  4 through the Truth Project, will all contribute to the                  5 final view that the chair and the panel ultimately                  6 reach, and I hasten to say it is unlikely that any final                  7 conclusion will be reached until we've heard further                  8 evidence from the rest of the investigations.</p> <p>9 As the chair mentioned a few moments ago, the                  10 inquiry's first seminar on mandatory reporting on child                  11 sexual abuse was held in September 2018. That seminar                  12 explored existing obligations to report child sexual                  13 abuse in England and Wales, and whether these are                  14 adequate to protect children from such sexual abuse.                  15 We heard from several international participants about                  16 how mandatory reporting laws operate in a number of                  17 countries outside England and Wales, and briefly about                  18 the impact that these laws may have had on responding to                  19 child sexual abuse. A full transcript of those                  20 proceedings has been published on the website, should                  21 anyone wish to consider what was said on that occasion                  22 in more detail.</p> <p>23 But in order to set the context for today, I'm going                  24 to remind you briefly of the presentations we heard on                  25 the last occasion. First, Joan Forner Rovira of the</p> <p style="text-align: center;">Page 7</p>	<p>1 Lanzarote Committee presented the committee's findings                  2 on reporting of child sexual abuse in its member                  3 countries. It found that where mandatory reporting laws                  4 had been introduced, a larger number of cases of child                  5 sexual abuse were reported.</p> <p>6 Dr Joseph Mooney then told the inquiry about the                  7 introduction of mandatory reporting in the Republic of                  8 Ireland in 2017, and we heard about the key features of                  9 the duty and what had been done to support                  10 implementation. Dr Mooney noted that early data                  11 indicated that the duty had led to an increase in                  12 reports about child sexual abuse.</p> <p>13 We then heard from Emmanuelle Wachenheim from the                  14 Ministry of Justice in France who told the inquiry that                  15 everyone in France is subject to a legal duty to report                  16 child sexual abuse, and that failure to report is                  17 punishable by imprisonment and a fine. The inquiry                  18 heard that, in 2016, there were 88 convictions for                  19 failing to report mistreatment, abuse and sexual                  20 offences committed against children.</p> <p>21 The inquiry also heard from participants outside of                  22 Europe, Dr Christine Wekerle focused on mandatory                  23 reporting in Ontario in Canada, where both the public                  24 and professionals are mandated to report sexual abuse of                  25 children under the age of 16.</p> <p style="text-align: center;">Page 8</p>

<p>1 Dr -- I may be saying this incorrectly, if so, 2 apologies -- Dr Wekerle told us the professionals who 3 failed to report are liable to be fined. 4 Finally, we heard from Liana Buchanan, the 5 Commissioner for Children and Young People in Victoria, 6 Australia, who explained that mandatory reporting had 7 been introduced there in response to findings of 8 inquiries that organisations had failed to prevent child 9 abuse by their employees or respond appropriately. 10 Ms Buchanan described three forms of mandatory reporting 11 in Victoria and told the inquiry that failure to comply 12 with any of those duties was a criminal offence. 13 Now, as you know, and as the chair has referred to, 14 we had to cut the September inquiry short due to matters 15 outside the inquiry's control. But the chair and I were 16 committed to finding a way to finish our discussions 17 and, in order to do that, we've been able to add to this 18 second seminar so that we now have a day and a half and 19 we've structured it in such a way that we hope will 20 ensure that we have ample opportunity to explore the 21 relevant issues. 22 There have been some further developments in the 23 form of a survey of the victims' and survivors' forum. 24 After the first seminar, the chair and panel sought to 25 obtain the views of the inquiry's victims' and</p> <p style="text-align: center;">Page 9</p>	<p>1 survivors' forum and, in November last year, its members 2 were invited to respond to a consultation on mandatory 3 reporting by way of a short survey. Of the 130 4 responses received, 88.6 per cent were in favour of the 5 introduction of a mandatory reporting law in England and 6 Wales. Some suggested that such a law would ensure that 7 child sexual abuse was not swept under the carpet. 8 Others expressed a belief that the cultures of cover-up, 9 inertia and structural confusion would change very 10 rapidly. One respondent remarked that a false report 11 can be quickly identified, but a true report can 12 literally change a child's life. 13 Amongst those who did not support a mandatory 14 reporting law, concerns were raised. It was pointed out 15 that professionals would not be able to use their 16 discretion to respond based on a specific child's 17 circumstances. Some stated that mandatory reporting 18 leads to "fear-based practice" and "prevents any form of 19 empowerment to allow victims to disclose at their own 20 pace". 21 Others felt that attention should instead be focused 22 on areas such as educating professionals and the public 23 to effectively identify and to respond to signs of 24 sexual abuse. Child sexual abuse. 25 The reports summarising the responses to this</p> <p style="text-align: center;">Page 10</p>
<p>1 survey, again can be accessed on the inquiry's website. 2 Now the purpose of this second seminar. 3 During the course of our discussions today and 4 tomorrow, the inquiry intends to hear and explore 5 a range of arguments for and against mandatory reporting 6 in England and Wales. 7 But something that will no doubt be apparent to all 8 is that often the arguments are two sides of the same 9 coin and it's a difficult argument for that reason. So 10 the "for" camp, if I can put it that way, may say that 11 having mandatory reporting encourages more reporting and 12 that must be a good thing. The "against" camp may say 13 that mandatory reporting is a bad thing because it 14 encourages more reporting and think of the strain on 15 resources, and that's a bad thing. 16 Can I emphasise, it's not the purpose of this 17 seminar to try and broker any form of compromise as 18 such, to take a little bit here and a little bit there 19 from what we are told, to try and find a compromise that 20 keeps everyone happy; that's not why we're here. What 21 we want is to try and find the right, the best solution, 22 which is different from a compromise. 23 We've broken the seminar broadly into two topic 24 areas. 25 Firstly, today, we will consider the impact of</p> <p style="text-align: center;">Page 11</p>	<p>1 mandatory reporting in countries in which it has been 2 introduced. 3 Secondly, tomorrow, we'll consider different 4 approaches to the key features of mandatory reporting 5 models and the practical considerations involved were 6 such a law to be introduced. 7 In terms of the structure of the second seminar, 8 this seminar, it's going to be divided into five 9 sessions. As a result of the September day being cut 10 short, we were not able to discuss the issues that each 11 of the models I've summarised to you raised or to 12 consider in more detail the impact that mandatory 13 reporting has in each jurisdiction. 14 So we want to look at better understanding mandatory 15 reporting laws in other countries and the impact that 16 these laws have had, and the inquiry's invited 17 Professor Ben Mathews from Queensland University of 18 Technology to deliver two presentations to us this 19 afternoon. His first presentation in session 1 is going 20 to focus on mandatory reporting in other jurisdictions. 21 His second presentation in session 2 will explore the 22 impact of that legislation. 23 Following each of Professor Mathews' presentations, 24 there will be a brief opportunity for participants 25 around the horseshoe to ask any clarifying questions</p> <p style="text-align: center;">Page 12</p>

<p>1 they may have. I will then facilitate a discussion                  2 about the issues raised and the information presented,                  3 and ask some questions of all of you.                  4 In session 3, tomorrow morning, we will focus on                  5 experiences of reporting child sexual abuse in England                  6 and Wales. This will include reports made in the                  7 workplace and communities and in recreational settings.                  8 In session 4, we will explore the key features of                  9 mandatory reporting models in terms of who the duty                  10 applies to, what needs to be reported and the                  11 consequences of failing to report.                  12 Session 5 will be an opportunity for final comments                  13 and reflections and to raise any issues that have not                  14 yet been discussed.                  15 As usual, at the end of each session, we will have                  16 about 10 minutes or so to go to the public gallery, we                  17 have many familiar faces in the public gallery and we                  18 are very grateful to those who come time and time again                  19 and particularly our core participants who are                  20 attending. It makes a huge difference to the inquiry's                  21 work. So we'll go to you first for observations and                  22 comments, as is usual. Those are, as you know,                  23 observations and comments, they're not questions to ask                  24 of the participants around the horseshoe. For today's                  25 purposes, that will be before the afternoon break and</p> <p style="text-align: center;">Page 13</p>	<p>1 before we close for the day. As is our practice, we do                  2 try to take comments from any core participants first                  3 and I'll ask people to indicate whether they wish to                  4 contribute by raising their hand, and then I will direct                  5 Sue or the usher to take the microphone to each person.                  6 Please do give it back when you're finished.                  7 I'll endeavour to permit as many people as possible                  8 to speak, but given time available and the numbers who                  9 may wish to say something, it would be helpful if                  10 speakers could restrict their contributions to                  11 observations and comments only.                  12 Today's seminar provides us with an opportunity to                  13 gather very valuable information that will add to the                  14 inquiry's wider consideration of mandatory reporting.                  15 So we do sincerely hope that the conversation will be                  16 a respectful one and nothing will disturb the smooth                  17 running of the day.                  18 As you know, the seminar is live streamed and,                  19 because we are dealing with a very sensitive issue, we                  20 have a short delay on the public feed of the live                  21 broadcast. Should there be any disruption or should                  22 anything sensitive come up, I will ask the chair to                  23 address the matter and we may pause the live feed or                  24 temporarily pause the proceedings.                  25 Please remember, all of you around the table and all</p> <p style="text-align: center;">Page 14</p>
<p>1 in the public gallery who wish to speak, we can't hear                  2 about specific cases or criticisms levelled at any                  3 specific individuals or organisations. This isn't the                  4 forum for it, and there's a reason for that: those                  5 individuals and organisations aren't here to give the                  6 other side of the story and so it's simply not fair                  7 regardless of what it might be.                  8 The result of it is that if anyone mentions                  9 a particular name, a particular case, a particular                  10 organisation, we may have to stop the live feed, which                  11 will just take time from someone who wants to speak and                  12 contribute, so please don't.                  13 Please also remember that because the chair and                  14 panel's function in the wider inquiry is                  15 a quasi-judicial role, they are here to watch the                  16 discussion and to listen to the speakers rather than to                  17 take an active part in the seminar. Mandatory reporting                  18 is a subject about which there are many different and                  19 strongly-held opinions, so be aware that some of the                  20 views expressed today may be controversial and may not                  21 be easy for everyone to hear. Nonetheless, it's very                  22 important that the inquiry hears a wide range of views                  23 and that speakers are free to express themselves.                  24 People in the public gallery will not be seen on the                  25 video feed, it goes without saying that some of the</p> <p style="text-align: center;">Page 15</p>	<p>1 material we discuss is distressing and, if you want to                  2 share anything with just those in the room, just let me                  3 know and we can pause the feed so you can nonetheless                  4 make a contribution, but that it can be kept just with                  5 those in the room.                  6 If at any stage anyone becomes distressed, we have                  7 a support team available to provide emotional support                  8 and a private room is available for quiet discussion,                  9 I think the support workers have already identified                  10 themselves, but let's just do it again. We have                  11 Johnny Hartley and Sally Quail and Sarah Randall, who                  12 are at the back waving now so you know where they are.                  13 Please also bear in mind that those of us in this                  14 room have a responsibility to anyone who makes                  15 a disclosure. Be aware that if you do disclose                  16 information that leads us to believe that there is                  17 a child protection concern or that someone is at risk of                  18 serious harm, we will pass that information, together                  19 with your details, to the police or the relevant                  20 authority.                  21 So we're very grateful to everyone who has agreed to                  22 participate today and I'd like to take the opportunity                  23 to ask participants to briefly introduce themselves and                  24 whom they represent. Unfortunately, I should say we                  25 have apologies from Isabelle Trowler, who is the chief</p> <p style="text-align: center;">Page 16</p>

<p>1 social worker for children and families, Department for 2 Education. Unfortunately, she's not able to be here 3 today due to a personal issue that arose last minute and 4 is completely out of her control. So we're sorry that 5 she's not here. 6 Perhaps we can start with Dr Blackman? 7 Introductions 8 DR BLACKMAN: I'm Noelle Blackman. I represent a small 9 voluntary sector organisation called Respond. We work 10 with people with learning disabilities and/or autism who 11 have experienced trauma, and their families, and we 12 provide a range of interventions that are 13 therapeutically underpinned. 14 DS BRITTON: Good afternoon, I'm Michael Britton. I'm 15 a superintendent working for Norfolk Constabulary, 16 representing the National Police Chiefs' Council today. 17 I've been working for Chief Constable Simon Bailey, who 18 is the National Police Chiefs' Council lead for child 19 protection, for the past two and a half years. 20 MS BURTON: Good afternoon, I'm Sharon Burton. I'm head of 21 policy for standards and ethics at the General Medical 22 Council. That's the independent regulator for doctors. 23 I'm here in the role of the responsibility we have to 24 make sure that doctors are aware of their child 25 protection responsibilities and education and training</p> <p style="text-align: center;">Page 17</p>	<p>1 around that. 2 MR HEANEY: Good afternoon, I'm Albert Heaney. I work for 3 the Welsh Government as director for social services and 4 integration. Thank you. 5 MS COLE: Anna Cole. I am the inclusion specialist for the 6 Association of School and College Leaders. So we 7 represent the senior leaders in schools and colleges 8 across the country, and state and independent schools 9 are members responsible for the education of 4 million 10 children and young people. 11 MR PERRY: Good afternoon. Tom Perry. I'm the founder of 12 Mandate Now, the pressure group that has led the agenda 13 for the introduction of mandatory reporting into 14 regulated activities since 2005. 15 Very nice to see our logo on these speakers by the 16 way on these microphones. 17 MS DENNY-BROWNE: Hi, I'm Michelle Denny-Browne. I'm the 18 clinical co-ordinator of the charity One in Four. We 19 work with survivors of sexual abuse and trauma from the 20 cradle to the grave. We don't have any age limit of the 21 people we work with and we provide lots of clinical and 22 therapeutic interventions, including advocacy. 23 MRS SUTTON: Good afternoon, I'm Mrs Moya Sutton, the senior 24 safeguarding lead working in the national team for 25 NHS England and we work with all health organisations,</p> <p style="text-align: center;">Page 18</p>
<p>1 both commissioners and providers, to ensure that we have 2 appropriate adult and, importantly, child protection 3 policies and procedures and the governance arrangements 4 in place. 5 MS WILLISON: Good afternoon, I'm Katy Willison. I'm the 6 director of children's social care at the Department for 7 Education. As such, I have policy responsibility and 8 ownership of whether the government should introduce 9 a statutory responsibility to mandatory report. 10 MR GALLIMORE: Good afternoon. Stuart Gallimore. I'm the 11 immediate past president of the Association of Directors 12 of Children's Services. We represent directors in each 13 of the upper-tier Local Authority, Local Authority, 14 local government in terms of children's services. 15 MS LARA: Good afternoon. I'm Almudena Lara, I'm the head 16 of policy at the NSPCC, the National Society for the 17 Prevention of Cruelty Against Children. 18 MR STEWART: Good afternoon, my name is Paul Stewart. I'm 19 a former professional footballer who came forward with 20 his story in November 2016 and formed SAVE Association 21 along with four colleagues, and we're introducing 22 safeguarding into grassroot sports. 23 MS WILSON: Hi, good afternoon, I'm Tina Wilson. I'm the 24 head of safeguarding for the Scouts Association. We 25 offer scouting to over 460,000 youth members and</p> <p style="text-align: center;">Page 19</p>	<p>1 approximately 160,000 adult volunteers. 2 MR NATHAN: Thank you, good afternoon. My name is 3 Simon Nathan. I'm the head of policy at the Independent 4 Schools Council and we represent 1,300 fee-paying 5 independent schools. 6 MS GOLDSOBEL: Hi, I'm Yehudis Goldsobel. I founded 7 a charity supporting Jewish victims of sexual abuse and 8 violence after disclosing my own abuse, and I founded 9 the Sexual Abuse and Sexual Violence Awareness Week 10 across the UK. 11 PROF MATHEWS: Good afternoon, I'm Ben Mathews. I'm 12 presenting today. I'm a researcher from -- sorry -- 13 from Queensland University of Technology in Brisbane, 14 Australia. I've been researching mandatory reporting 15 laws for about 17 years. 16 Session 1 17 MS KARMY-JONES: Thank you. And if I can just add a little 18 to what, Ben, you've said about yourself, you've 19 conducted multiple empirical studies into mandatory 20 reporting at national and state level, and have advised 21 governments on law reform regarding mandatory reporting 22 law and practice and statutes of limitation for child 23 abuse as well. 24 Some around the table may be familiar with 25 Professor Mathews' work and it would be fair to say,</p> <p style="text-align: center;">Page 20</p>

<p>1 I think, that, Ben, you are openly in favour of                  2 mandatory reporting legislation for child sexual abuse.                  3 But I want to make clear to everyone, we've not invited                  4 him to present for that reason. As I've already said,                  5 the inquiry remains neutral on that issue at the moment                  6 and will so do until the conclusion of the evidence in                  7 all the hearings.                  8 The reason that Professor Mathews has been invited                  9 is because you are, arguably, the leading academic on                  10 mandatory reporting.                  11 So we're going to turn now to Professor Mathews'                  12 first presentation which will I understand provide                  13 an overview of the background to mandatory reporting                  14 laws for child sexual abuse in Australia and you have                  15 about 15 minutes. There will be a brief opportunity to                  16 ask questions of clarification of Ben after his                  17 presentation before we go into our discussion but                  18 turning to you now, Ben. Thank you very much.                  19 PROF MATHEWS: Thank you.                  20 So I'll do my absolute best to stick to 15 minutes.                  21 MS KARMIY-JONES: Everyone should be able to see on the                  22 screens you've provided us with some helpful aids.                  23 PROF MATHEWS: Thanks.                  24 Presentation by PROFESSOR MATHEWS                  25 PROF MATHEWS: First, I'm going to give some general</p> <p style="text-align: center;">Page 21</p>	<p>1 background to mandatory reporting laws for child sexual                  2 abuse, some general introduction, some rationales for                  3 introducing these laws for child sexual abuse in                  4 particular. I'll distinguish mandatory reporting laws                  5 from other types of duties to report child sexual abuse                  6 in law and policy and I'll contrast mandatory reporting                  7 laws for sexual abuse only with reporting laws for up to                  8 five types of child maltreatment, then I'll make some                  9 general points about how to treat empirical data about                  10 reporting of sexual abuse, which will connect nicely                  11 with the second presentation later today about the                  12 impact of reporting laws in Australian jurisdictions.                  13 So first of all, some general introduction: what is                  14 the nature of mandatory reporting laws?                  15 It's worth starting here because there is quite                  16 a lot of confusion about what these laws are.                  17 Basically, they are laws made by Parliament requiring                  18 designated professionals to report known and suspected                  19 child abuse and neglect to child protection agencies                  20 where the abuse is of a certain level of severity. Now                  21 these laws can apply to different forms of abuse and                  22 neglect.                  23 Now, they have a similar general approach, but                  24 nations' mandatory reporting laws and different state                  25 and territory laws differ in multiple respects and most</p> <p style="text-align: center;">Page 22</p>
<p>1 particularly in terms of which occupations are made                  2 mandated reporters -- so there can be a broad range or                  3 a narrow range -- but also in which types of abuse have                  4 to be reported under the specific law. So some laws,                  5 for example, require reports of up to five kinds of                  6 child maltreatment, often excluding neglect, for                  7 example, but most of these laws applies to sexual abuse,                  8 in fact, virtually all of them.                  9 Whatever form they take, mandatory reporting laws do                  10 several things: they say who is mandated -- so that is,                  11 it's normally people who are working with children, like                  12 teachers, doctors, nurses and police. Just hold on                  13 a moment, if you just go back one slide. Thank you.                  14 They then say which types of abuse or neglect have                  15 to be reported. They provide clear, legislative                  16 protections for those who make reports. So, for                  17 example, they provide immunity and confidentiality.                  18 They normally do include a penalty for breaching the                  19 duty to report, but not always.                  20 Importantly, they do not require reporters to                  21 conduct investigations, they simply require reporters to                  22 report known cases or reasonably suspected cases of                  23 abuse or neglect; okay? And they're supported by                  24 sector-wide education about sexual abuse and about what                  25 kinds of cases should and should not be reported.</p> <p style="text-align: center;">Page 23</p>	<p>1 So the laws in some require reports by professionals                  2 who may develop knowledge or suspicion of child sexual                  3 abuse. For example, they might receive a direct                  4 disclosure by a child; they might detect the child's                  5 symptoms or behaviour, which is strongly consistent with                  6 sexual abuse; or they may make other observations, for                  7 example, they may detect evidence of grooming of the                  8 child by the offender.                  9 So where did these laws come from? For this, we                  10 need to go back to America in the early 1960s.                  11 Basically, what happened was pediatricians and doctors                  12 in Colorado were seeing cases of very young infants                  13 under three years old being subjected to severe                  14 battering. You may all have heard of the battered child                  15 syndrome. That was the syndrome coined by the                  16 pediatrician Henry Kempe in 1962. The first mandatory                  17 reporting laws came out of that syndrome. Basically,                  18 doctors were seeing these kids, they were contracting                  19 subdural haematoma and fractures of the lung bones.                  20 They were being severely battered. Doctors knew what                  21 was happening but they would not report it. Kids were                  22 being sent home and they were being killed. That's                  23 where the first reporting laws came from. There was                  24 a phenomenon of gaze aversion by these doctors and these                  25 reporting laws were meant to overcome that gaze aversion</p> <p style="text-align: center;">Page 24</p>

<p>1 and to require doctors to report these cases when they                  2 knew they were happening.                  3 So, in America, laws were created in all 50 states                  4 in the mid to late 1960s for physical abuse. That's the                  5 genesis of the first laws. What happened then is that                  6 the laws gradually developed over time to extend to                  7 other forms of abuse, including sexual abuse.                  8 In Australia, for example, which has eight states                  9 and territories, we started enacting these laws in 1969                  10 and they've gradually developed in all states and                  11 territories from sexual abuse to other forms of abuse                  12 and neglect.                  13 So what's the purpose of these laws? There are                  14 multiple policy goals, but first and foremost, it's to                  15 place children at the centre. It's to protect children                  16 by bringing cases of significant abuse to the attention                  17 of protective welfare agencies and stopping the abuse                  18 continuing; okay? So it's a motive of social justice.                  19 Second, it's to enable child protection and health                  20 rehabilitation for the child. That's a public health                  21 imperative. There may be intersections with the formal                  22 child protection system where necessary, such as for                  23 care orders in parental cases.                  24 They can also promote service provision and parental                  25 and family assistance in cases of family need and there</p> <p style="text-align: center;">Page 25</p>	<p>1 can in some cases be connections with the criminal                  2 justice system where it's clear and serious criminal                  3 behaviour.                  4 Essentially, mandatory reporting laws use these                  5 designated professionals as protective sentinels to act                  6 in the child's best interests and to bring cases of                  7 abuse to light which otherwise would remain hidden;                  8 okay? That's a key point.                  9 These professionals become key members of a safer                  10 community protecting children's rights to safety.                  11 And overall, even the most broad reporting laws that                  12 are aimed, for example, even at neglect, they are not                  13 aimed at trivial incidents or at poverty or, for want of                  14 a better term, at less-than-ideal parenting. They are                  15 aimed at severe cases of maltreatment.                  16 So in terms of the rationales for introducing these                  17 reporting laws for sexual abuse generally, well, sexual                  18 abuse is serious criminal conduct. It constitutes                  19 a spectrum of offences from indecent exposure to rape,                  20 to grave violation of bodily, sexual and psychological                  21 integrity often accompanied by psychological trauma.                  22 It's a breach of fundamental human rights of                  23 particularly vulnerable individuals. Children often                  24 experience sexual abuse repeatedly, usually at the hands                  25 of someone whom they know.</p> <p style="text-align: center;">Page 26</p>
<p>1 It's important to have a robust definition of sexual                  2 abuse and the best definition I think is this: contact                  3 and non-contact sexual acts by any adult or child in                  4 a position of power over the victim, when the child                  5 either does not have full capacity to provide consent,                  6 or has capacity but does not provide consent. So the                  7 act of sexual abuse can include oral, vaginal and anal                  8 penetration by any body part or object, fondling of                  9 breasts or genitals, other sexual touching, masturbation                  10 and arousal, voyeurism, exhibitionism and involvement in                  11 or exposure to pornography.                  12 Sexual abuse is not constituted by normal                  13 developmental play or genuinely consensual behaviour                  14 between peers.                  15 Other rationales. We know sexual abuse is                  16 widespread. In the UK, for example, one in eight                  17 children experience contact child sexual abuse by any                  18 adult or peer. One in eight.                  19 One in four experience contact or non-contact sexual                  20 abuse by any adult or peer, and about 1 per cent of                  21 girls and 1.5 per cent of boys experience sexual abuse                  22 by a parent or caregiver. It's widespread.                  23 Also, we know that it causes serious health,                  24 behavioural and economic consequences through the                  25 lifespan. It affects school performance, it affects</p> <p style="text-align: center;">Page 27</p>	<p>1 mental health, with depression, anxiety, PTSD and                  2 self-harm particularly prominent. It causes adverse                  3 coping strategies, like alcohol and drug abuse. It                  4 causes adverse physical health outcomes from those                  5 coping strategies and it has effects on adult                  6 relationships and intergenerational maltreatment.                  7 Further rationales: we have a major problem inherent                  8 to this field of non-disclosure by the child for                  9 completely understandable reasons. So most kids do not                  10 disclose what's happened to them for quite some time                  11 after the events. There's multiple factors which                  12 prevent children from telling anyone what's happened.                  13 If they're very young, they may not understand the                  14 nature of what's happened. Even if they're older, they                  15 may be deeply ashamed about what's happened to them;                  16 they may feel guilty about what's happened to them; they                  17 may have fear of the offender if they tell someone; they                  18 may have been threatened. And there's the overarching                  19 power dynamics in these relationships which preclude                  20 disclosure. As a result, most cases do remain                  21 undisclosed for a long time and sometimes for life.                  22 A second big problem which we saw with the battered                  23 child syndrome is where professionals fail to report                  24 even when they know cases have happened; okay? That                  25 phenomenon of gaze aversion. Professionals are often</p> <p style="text-align: center;">Page 28</p>

<p>1 uncomfortable about this or they fear what will happen.                  2 Sometimes they lack education about the nature of abuse                  3 and sometimes, and especially in institutional cases, we                  4 see instances of corruption and wilful concealment. So                  5 mandatory reporting laws encourage support and require                  6 a professional, who knows or suspects the child has been                  7 abused, to bring that child's situation to the attention                  8 of helping agencies.                  9 They are often the only person in the child's life                  10 who can help them, and these mandated professions                  11 collectively are able to identify substantial numbers of                  12 cases that would otherwise remain hidden and                  13 undisclosed.                  14 A quick example from Victoria, Australia. What                  15 happened here was that mandatory reporting was                  16 introduced in 1993. Parliament, when it introduced                  17 reporting, was influenced by premandated reporting                  18 patterns to be completely insufficient. They found                  19 a consistent and striking pattern of doctors reporting                  20 five to nine times fewer cases than doctors in four                  21 other states with mandated reporting. In 1993, Victoria                  22 received five times fewer reports of sexual abuse than                  23 New South Wales did. They found the unique qualitative                  24 features of sexual abuse meant it needed to be subject                  25 to mandatory reporting.</p> <p style="text-align: center;">Page 29</p>	<p>1 We can distinguish mandatory reporting from other                  2 duties to report sexual abuse in law and policy, so                  3 there are other kinds of duties to report, but they are                  4 different and not quite as efficient as mandatory                  5 reporting duties in the sense we're talking about today.                  6 So, for example, some jurisdictions impose                  7 a criminal law duty on all citizens to report knowledge                  8 of sexual offences. Some jurisdictions report -- sorry,                  9 impose duties on managers in child-serving organisations                  10 to report known cases that happen within that                  11 organisation, and then there are civil law duties in                  12 negligence and policy-based duties that can apply to                  13 members of a certain occupation. However, none of those                  14 are quite the same and quite as comprehensive and quite                  15 as efficient as a mandatory reporting duty in the sense                  16 we're talking about today. That kind of duty uses                  17 skilled professionals trained in child development who                  18 deal with children daily. It's assisted by systemic                  19 education applied universally across sectors and creates                  20 a sector-wide culture of child safety; it's accompanied                  21 by clear, legislative protections for reporters; it                  22 compels action; imposes a clear obligation; it's                  23 underpinned by Parliament's commitments to children's                  24 rights.                  25 Let's quickly contrast mandatory reporting laws for</p> <p style="text-align: center;">Page 30</p>
<p>1 sexual abuse only with reporting laws for all five types                  2 of abuse and neglect. So the key point to make here is                  3 that there's no one type of mandatory reporting law,                  4 every jurisdiction creates its own law to suit its own                  5 purposes. Often they start in a narrow sense and then                  6 broaden them over time after its effects are understood.                  7 So, in Australia, there's a broad spectrum of laws.                  8 They vary from applying to one or more forms of                  9 maltreatment and to one or more forms of occupational                  10 mandated reporter.                  11 This table shows that all eight states and                  12 territories, though, despite that variance, apply the                  13 mandatory reporting duty to sexual abuse. Seven of the                  14 eight apply it to physical abuse. Three apply the duty                  15 only to physical and sexual abuse. A few of them apply                  16 it to five forms of maltreatment, including even                  17 exposure to domestic violence. That is a much broader                  18 reporting duty. The key point to make there is that                  19 there's broad variance, but that, where the law is much                  20 broader, that's where you tend to have some of the                  21 isolated instances of undesired reporting practice and                  22 the blowouts in reporting. But even there it's been                  23 shown to be remediable. I'll come back to that later.                  24 So the last slide before I wrap this part up.                  25 Four important points to note when evaluating data,</p> <p style="text-align: center;">Page 31</p>	<p>1 all those figures about reporting practice and                  2 considering mandatory reporting for child sexual abuse                  3 as social policy.                  4 First of all, sexual abuse of children is                  5 qualitatively different from other forms of maltreatment                  6 such as neglect and it may well require different policy                  7 responses. Okay? It's so serious we must not ignore                  8 scientific evidence about successful policy responses,                  9 it's always criminal and usually the child will need                  10 some kind of support.                  11 That's not the case, for example, with psychological                  12 abuse, not the case with most cases of neglect.                  13 The second major point is that the empirical                  14 evidence about mandatory reporting of sexual abuse is                  15 very reassuring, both in terms of child protection and                  16 a tolerable systemic burden; okay? It is understandable                  17 for everyone in this room and all of your organisations                  18 to worry about what might happen if you enact these                  19 laws. Completely understandable. You should be asking                  20 that question. They are sincere concerns held by                  21 everyone here, yet we must distinguish between data on                  22 reporting of different types of abuse. As I'll show                  23 later today, there are far fewer reports of sexual abuse                  24 made, even where it's mandated. There is not                  25 an intolerable flood of reports of sexual abuse, nor is</p> <p style="text-align: center;">Page 32</p>



<p>1 there a continual increase. Multiple government 2 inquiries have found it is supported as ongoing optimal 3 public policy. 4 Third, unsubstantiated reports are not a sound 5 measure of the successive reporting practice and there's 6 a number of reasons for this. First of all, a large 7 proportion of so-called unsubstantiated reports are 8 actually multiple reports made about the same child that 9 are just counted as one. They impose little burden on 10 the system. Second, many reports that are investigated 11 but not technically substantiated actually do involve 12 maltreatment or harm or service need for the child or 13 the child's family. They're unsubstantiated for 14 technical evidentiary reasons. Third, in terms of raw 15 numbers, numerically, more unsubstantiated reports 16 actually result in provision of services than 17 substantiated reports. 18 We can also note that in terms of cost to the 19 system, there's a relatively low cost financially in 20 taking in reports and assessing reports compared with 21 other components of the child maltreatment, child 22 protection system. So for example, in Australia, about 23 7.5 per cent of the child protection budget is spent on 24 intake and assessment of reports, over 60 per cent is 25 spent on out-of-home care. Okay?</p> <p style="text-align: center;">Page 33</p>	<p>1 However, even with all those rationales, all those 2 reasons, and all those important notes, even in 3 apparently well-working systems, improvements can always 4 be made, so we need to make sure that all the 5 legislation is very clearly drafted, we need to make 6 sure that professional education is excellent, 7 multi-disciplinary and repeated to avoid clearly 8 unnecessary reports and we need to make sure that 9 measures are taken so that the agencies work well 10 together to collaborate to respond well to reports. 11 Thank you. 12 MS KARMY-JONES: Thank you very much. I think Ben's 13 presentation was actually very clear and we're running 14 a little bit over time, so I'd like to go straight into 15 the discussions, if I may. 16 One of the things we want to look at is something 17 Ben talked about, which was the differences that there 18 are in mandatory reporting laws between Australia and 19 states and territories. Some have mandatory reporting 20 laws for a broader range of types of abuse and neglect, 21 others, such as Western Australia, have introduced 22 mandatory reporting for child sexual abuse only. 23 I'm going to ask my first question of Katy Willison 24 of the Department of Education, with this preamble: at 25 the first session, Graham Archer gave us an overview of</p> <p style="text-align: center;">Page 34</p>
<p>1 the responses to the government's 2016 consultation on 2 reporting abuse and neglect. We noted that the 3 consultation considered a duty to report for all types 4 of abuse and neglect and did not ask respondents to 5 consider a narrow form of duty to report; for example, 6 one relating only to child sexual abuse. 7 Can you tell us anything about the reasons for 8 consulting on a broad form of a duty to report as 9 opposed to the narrower duty? Can you help us with 10 that? 11 MS WILLISON: I can certainly do my best, I should stress 12 that I wasn't in post when the consultation was 13 originally written. I was when the government response 14 was made. So I am telling you from what I understand of 15 that time rather than from my own personal experience of 16 it. 17 As I understand it, when government considered 18 different types of abuse, the concern was that while 19 I can understand the differentiation between, for 20 example, something like child sexual abuse and neglect, 21 that putting a sort of hierarchy on forms of abuse when 22 some forms of physical abuse, for example, are 23 devastating and have very significant long-term impact 24 for children, it was placing the hierarchy around 25 different forms of abuse that government felt was not</p> <p style="text-align: center;">Page 35</p>	<p>1 something that it was, you know, comfortable proposing. 2 I think what Ben has told us gives us food for 3 thought in that area, but it's the difference between 4 child sexual abuse and physical abuse rather than child 5 sexual abuse and neglect that I think would be 6 interesting to explore in that context. 7 MS KARMY-JONES: Thank you. 8 I'm going to now turn to Yehudis, Tom and Sharon, 9 actually, and ask you to consider a series of questions 10 and then I'll come round to each of you for a comment. 11 Do you think that a case can be made for introducing 12 mandatory reporting for child sexual abuse only as 13 opposed to wider forms of abuse and neglect? Maybe 14 I can go to you, Sharon, on that first? 15 MS BURTON: I don't think that I'm in a position to answer 16 that at this point, I think, in the exploration of the 17 issues. I think that Ben has raised some important 18 points about what the evidence is able to tell us. 19 I think it is very striking, though, the evidence that 20 he put forward about the -- the extent to which child 21 sex abuse has actually been raised by professionals as 22 opposed to perhaps other forms of abuse where he 23 suggested either an unwillingness or a fear on the part 24 of professionals to raise those issues and I think 25 that's something that we'd want to understand more</p> <p style="text-align: center;">Page 36</p>

<p>1 about.</p> <p>2 MS KARMY-JONES: Okay. What about you, Yehudis?</p> <p>3 MS GOLDSOBEL: I think separating the two both from working</p> <p>4 in education previously and from the cases we've worked</p> <p>5 with, people working with children are a lot more</p> <p>6 hesitant when it involves sexual abuse than if it</p> <p>7 involves neglect. It makes people feel uncomfortable,</p> <p>8 even if you're an adult, discussing sex or, you know,</p> <p>9 any form of sex abuse with children, so I think</p> <p>10 separating it actually might make it a bit more</p> <p>11 straightforward to educate people that are working with</p> <p>12 children and young people, if we're focusing just on</p> <p>13 this and then not sort of blurring it with other areas</p> <p>14 of child maltreatment, really.</p> <p>15 MS KARMY-JONES: Do you think there would be any</p> <p>16 implications of taking a different approach with respect</p> <p>17 to reporting child sexual abuse than for other types?</p> <p>18 Are there any drawbacks in treating child sexual abuse</p> <p>19 differently?</p> <p>20 MS GOLDSOBEL: I think with anything being new and</p> <p>21 enforceable, definitely have some hiccups along the way.</p> <p>22 I think it does need to be addressed separately.</p> <p>23 It's -- there's a lot of organisations and</p> <p>24 infrastructure in place for handling neglect, for</p> <p>25 example, and I know in our community that I work in</p> <p style="text-align: center;">Page 37</p>	<p>1 a lot of the schools will use those agencies, but, when</p> <p>2 it comes to child sexual abuse, they will doubt it and</p> <p>3 ignore it and sort of pretend it's not really happened</p> <p>4 at all.</p> <p>5 So I think the fact that we have a lot of agencies</p> <p>6 working and have taught in safeguarding a lot about</p> <p>7 neglect, sort of is already in existence. I think</p> <p>8 trying to take on such a broad range will just sort of</p> <p>9 trip everyone up along the way, so the differentiation</p> <p>10 will just make it easier.</p> <p>11 MS KARMY-JONES: Okay, thank you.</p> <p>12 Almudena, I think you had a comment you wanted to</p> <p>13 make?</p> <p>14 MS LARA: Yes, I just want to -- it's been really incredibly</p> <p>15 helpful to hear the presentation and in particular why</p> <p>16 sexual abuse might be different.</p> <p>17 From my perspective, I think if we go to the</p> <p>18 presentation where Dr Mathews was talking about the</p> <p>19 impact of the sexual abuse, of course the inquiry has</p> <p>20 heard about the impact that sexual abuse has on children</p> <p>21 and throughout the life, but other types of abuse also</p> <p>22 have very detrimental impact on children and through</p> <p>23 adulthood, so from my perspective, I wouldn't want that</p> <p>24 perspective to be lost, although, of course, I respect</p> <p>25 the scope of the inquiry is child sexual abuse.</p> <p style="text-align: center;">Page 38</p>
<p>1 But also, I think one of the things that we need to</p> <p>2 take into account is that a lot of the abuse occurs</p> <p>3 jointly -- it's called "concurrent" -- and sometimes</p> <p>4 sexual abuse is the hardest abuse to be spotted, there</p> <p>5 are many instances where it has been obvious to all the</p> <p>6 adults around the child that the abuse was happening and</p> <p>7 that is clearly unacceptable, but a lot of the times</p> <p>8 abuse occurs between the victim and the perpetrator and</p> <p>9 it is very difficult to gather the evidence.</p> <p>10 But a lot of the evidence comes from why their</p> <p>11 behaviours or why their concurrency of other abuse, and</p> <p>12 the risk of focusing exclusively on child sexual abuse</p> <p>13 is that we might miss important information about what</p> <p>14 is going on in the lives of young people.</p> <p>15 MS KARMY-JONES: Yes, okay.</p> <p>16 I'm going to move on to the next question which</p> <p>17 relates to the non-disclosure abuse by children.</p> <p>18 I mean, abuse normally occurs in private without</p> <p>19 witnesses, as you've said, victims are often reluctant</p> <p>20 to disclose for many different reasons -- guilt, fear,</p> <p>21 shame, the power dynamic in the relationship that may</p> <p>22 evolve between the abused and the abuser.</p> <p>23 Can I ask this? Professor Mathews has explained</p> <p>24 that one of the reasons for mandatory reporting is</p> <p>25 non-disclosure. Do we think that mandatory reporting</p> <p style="text-align: center;">Page 39</p>	<p>1 can address that concern? Are there concerns that</p> <p>2 victims might be less likely to disclose if they're</p> <p>3 aware that a person they tell would then report it on?</p> <p>4 So is there a danger in that? I'd like to go to</p> <p>5 Noelle Blackman first, please.</p> <p>6 DR BLACKMAN: I was still thinking a lot about the</p> <p>7 non-disclosure but seeing a change through behaviour, so</p> <p>8 I'm thinking that's often the first thing that we see.</p> <p>9 I think that when a child's ready to disclose to</p> <p>10 somebody who they feel safe with, they feel safe that</p> <p>11 that person will do the right thing, and if a lot of us</p> <p>12 thinking very carefully about what the right thing to do</p> <p>13 is, that will be part of that process.</p> <p>14 So I think that's one way to think of it, I don't</p> <p>15 think that what will happen with that information will</p> <p>16 change enormously the disclosing of a child, a child</p> <p>17 usually chooses carefully the right person to disclose</p> <p>18 to and I think they trust that everything else around</p> <p>19 that will be okay.</p> <p>20 MS KARMY-JONES: Michelle Denny-Browne?</p> <p>21 MS DENNY-BROWNE: Yes, I totally agree, I think that if</p> <p>22 you -- if you're a child and you're frightened and you</p> <p>23 feel safe, you will disclose. The same with an adult:</p> <p>24 if you feel safe, you'll disclose, and you hope that</p> <p>25 when you do that, that the person is going to do the</p> <p style="text-align: center;">Page 40</p>

1 right thing for you. That doesn't stop the disclosure.  
 2 What stops it is sometimes when you don't trust those  
 3 around you and you're scared of everyone else around  
 4 you. And that can bind you and stop you from speaking.  
 5 I think we need to encourage young people to grow  
 6 a sense of emotional resilience really, yeah, and  
 7 encourage them to have a greater understanding of their  
 8 own emotions so that they feel freer to be able to  
 9 discuss them and talk about them.  
 10 MS KARMY-JONES: So what are the reasons for that concern,  
 11 which is often raised, that children are deprived of  
 12 their own empowerment, their ability to move through and  
 13 disclose at their own pace? What are the reasons for  
 14 those concerns and how can they be addressed?  
 15 MS DENNY-BROWNE: I think that sometimes we, as adults, put  
 16 our own stance on things with children and we're very  
 17 quick to kind of use language and put our own language  
 18 in place of theirs.  
 19 If a child says "I feel funny", then we should be  
 20 going with the "funny" and not say to that child, "Did  
 21 something happen to you? What happened?" Just go with  
 22 the "funny", and the child will trust you and you'll get  
 23 more from that.  
 24 I think it just comes back to support, training, for  
 25 professionals and for people working with young people

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1 but it's -- you know, as a 13-year-old, when I tried to  
 2 disclose, it was, "Help! Because I have no idea how to  
 3 deal with it", but once I'd been holding it for that  
 4 many years, I'm now 21, it's my thing to disclose and  
 5 I can have control over when I choose to say it or not.  
 6 So I think we're focusing on children and young people  
 7 and it does come back down to what Michelle was also  
 8 saying, listening to what they say and they will come to  
 9 a trusted adult. So we shouldn't get too stuck in, "Are  
 10 we stealing their empowerment?", because, really,  
 11 children don't know how to deal with this.  
 12 MS KARMY-JONES: Thank you. Having heard those arguments,  
 13 Ben, do you have anything to add by way of views to the  
 14 argument that mandatory reporting would hamper the  
 15 quality of a relationship between a child and an adult  
 16 or breach the trust that the child has in the adult if  
 17 the child knows that the adult might disclose?  
 18 PROF MATHEWS: No. I have nothing to add. I endorse those  
 19 previous comments, I thought they were spot on.  
 20 MS KARMY-JONES: Thank you. Is there anyone? Paul?  
 21 MR STEWART: Sorry, and excuse me, but I don't really see  
 22 how mandatory reporting would encourage the child to  
 23 disclose anyway, I don't think they would be aware of  
 24 the legislation, so I think it's really about the  
 25 safeguarding and what we implement and how safe the

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1 in any capacity. We need to have, you know, a good  
 2 amount of training around safeguarding, we need to know  
 3 how to relate to children, we need to know the right  
 4 procedures in which to report as well and make sure that  
 5 everybody's clear with that. So training is paramount.  
 6 MS KARMY-JONES: Thank you.  
 7 Tom, do you have any observations on that? And on  
 8 the -- that whole question?  
 9 MR PERRY: No, thank you.  
 10 MS KARMY-JONES: I'll move on. Ben -- yes, Yehudis?  
 11 MS GOLDSOBEL: I know we're not really overly sharing, but  
 12 it's really different when we're talking about children  
 13 and young people that are under the age of 16. We are  
 14 not, as young people, equipped to deal with something  
 15 like sexual abuse, so I think it's when they do come out  
 16 with whatever they say, it's ensuring that the person  
 17 they are telling, obviously they will trust that person  
 18 to handle it. It's when you've crossed that into you're  
 19 17, 18, 19, and you're an adult now and you've been  
 20 holding that secret for so long and that control is now  
 21 with you. So when you want to disclose will be down to  
 22 you.  
 23 I think it's -- you know, I know it came up in the  
 24 survivors' forum review that they fed back and, when  
 25 I read it, I totally understood what they were saying,

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1 environment is. I do not think a legislation in any  
 2 way, shape or form will encourage a young child who has  
 3 been sexually abused to come forward.  
 4 MS KARMY-JONES: But hand in hand with that, do you think in  
 5 the same way that it would not discourage a child to  
 6 come forward?  
 7 MR STEWART: But I don't think the child would be totally  
 8 aware of it, and this is probably the reason why it's  
 9 a difficult one, because we're talking about  
 10 a legislation there and also the ability for a child to  
 11 disclose what is happening to them. You know, just  
 12 listening to the answers to the questions, I know that  
 13 a child would not see the legislation, would not  
 14 understand the mandatory reporting, "Therefore I feel  
 15 comfortable disclosing", if that makes sense.  
 16 MS KARMY-JONES: Do you think that there would be any issue  
 17 in relation to a breach of trust, that a child might  
 18 feel its trust had been breached?  
 19 MR STEWART: Well, they could do if they understood it, and  
 20 then, when you're talking to a child about law, it can  
 21 be quite daunting, depending on the age of that child.  
 22 So there are many challenges in terms of why a child  
 23 would disclose the sexual abuse and I think laws and  
 24 anything that is put in place that -- the structure  
 25 around the law, they wouldn't really understand that,

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<p>1 and I think, you know, I would rather concentrate on the                  2 environment, that that child is given then                  3 an environment where they're comfortable, and I think                  4 you would find they would disclose more. I don't think                  5 just mandatory reporting would make them disclose,                  6 that's probably the point. I don't know the facts from                  7 the doctor there, but, you know, from my point of view,                  8 it wouldn't.                  9 MS KARMY-JONES: Okay. So moving on to a different but                  10 associated question, should those who do report be given                  11 some form of flexibility to use their own professional                  12 judgment about how, when, where a report should be made?                  13 Are there any views about that? Almudena?                  14 MS LARA: So linking it to the previous question as well,                  15 I think the important thing to understand is that, when                  16 children disclose, it's never, or is rarely, a one-off                  17 event. This a long process where children will start                  18 testing adults, start revealing a bit of information,                  19 see how they can build their trust, see the extent to                  20 which they can trust the adult they are reaching out to,                  21 and then, at some point, they might make it more or less                  22 explicit and they might use words or they might use                  23 cues, they might use verbal and non-verbal ways of                  24 expressing what's happening to them.                  25 I think that to your question of when should the</p> <p style="text-align: center;">Page 45</p>	<p>1 professional reach out to the authorities, that's the                  2 judgment that needs to be made by the professional, to                  3 what extent is the child in a position where they have                  4 revealed what they need to reveal to me so that I need                  5 to -- I can then actively pass that on to the                  6 authorities and the authorities might be able to take                  7 note of these and act. And if -- if professionals feel                  8 in any way scared about the consequences of failing to                  9 report, they might actually choose to report sooner                  10 than, actually, it's in the best interests of the child.                  11 So what I want to say is that it is important that                  12 we preserve some sort of professional judgment so that                  13 it is -- the decision is being taken in the best                  14 interests of the child at all times. So what is                  15 absolutely relevant to this conversation as well is how                  16 professionals are trained to work with young people and                  17 work to understand trauma and how trauma manifests                  18 itself, so that, actually, the child and the best                  19 interests of the child is at the centre of the                  20 conversation.                  21 MS KARMY-JONES: So you're in favour of retaining a form of                  22 some sense of professional discretion and judgment, the                  23 application of --                  24 MS LARA: Yes, but I am also absolutely clear that -- that                  25 it is the responsibility of the adults around the child</p> <p style="text-align: center;">Page 46</p>
<p>1 to support that child, and that they need to be taking                  2 decisions in the best interests of that child. At some                  3 point, that might be immediately triggering a report,                  4 and in some cases it might require some further or some                  5 wider work with the child to get to that position. What                  6 is never acceptable is to sweep under the carpet any                  7 concerns or to turn a blind eye on what might be going                  8 on for the child.                  9 MS KARMY-JONES: All right.                  10 Can I ask Stuart Gallimore if you have something to                  11 contribute on that point?                  12 MR GALLIMORE: Yes, thank you. I think it's important to                  13 recognise that for a number of years now the                  14 safeguarding training that professionals get is very                  15 clear, that if a child makes, you know, in professional                  16 terms, a disclosure to them, there is a very clear                  17 expectation that that gets passed on so in existing, you                  18 know, training, you know, often couched in the language                  19 of secrets, professional staff should be very clear that                  20 as they begin to get into a discussion, if a child is                  21 saying they want to tell them something that they want                  22 that professional to keep that secret, there's                  23 a dialogue that goes on that says, "Well, if that                  24 involves your safety, I'm not going to be able to keep                  25 that secret, I will need to refer that on and pass that</p> <p style="text-align: center;">Page 47</p>	<p>1 on".                  2 And that's the basis on which statutory agencies and                  3 voluntary organisations -- I can think of training to                  4 church groups, to uniformed organisations -- have                  5 similarly followed that particular line that is in place                  6 as it is.                  7 The point that Almudena was making was very much one                  8 of, you know, if the child stops short as a result of                  9 that discussion taking place, or they are in that                  10 testing out, you know, so the professional is not sure                  11 what they are being told, but they are maintaining and                  12 keeping that relationship going, then the issue of                  13 mandatory reporting would come into play. I think the                  14 phrase you, yourself, used at the outset was something                  15 around: knowledge, concern, suspicion.                  16 MS KARMY-JONES: Yes.                  17 MR GALLIMORE: Again, that takes us into a different                  18 discussion in terms of, are we talking about that                  19 mandation being around a child has told you that they                  20 are being abused, or are we taking mandation into                  21 a world where, on the back of what that child has said,                  22 you have now got some suspicions but they're not                  23 suspicions that have yet to have been confirmed by the                  24 child you're talking to.                  25 MS KARMY-JONES: Right. Okay.</p> <p style="text-align: center;">Page 48</p>

<p>1 So one of the things that Ben Mathews noted in his 2 presentation was a reason for mandatory reporting's 3 introduction was due to professionals failing to report 4 even where things were known or suspected in cases of 5 child sexual abuse, despite the non-statutory duties 6 that were already in place. 7 I'd like to ask what people suggest that the current 8 non-statutory duties in place for professionals -- 9 whether those are sufficient to encourage reporting in 10 England and Wales. Is what we've got in place 11 sufficient or is there a need for a statutory duty? 12 Stuart, do you have something to say about that? 13 MR GALLIMORE: I do. I mean, I won't repeat the evidence 14 I gave at the original seminar -- that's well captured 15 in the documentation we have -- in terms of the 16 different legislative and pieces of legislation, but 17 also statutory guidance that directs professionals in 18 terms of what they should be doing. I mean, I think the 19 thing for me is that, again, when you look at the 20 evidence that's in the documentation and the 21 presentation we heard today, often that's been on the 22 back of a flatlining of referrals or a low level of 23 referrals as compared to, in this instance, the states 24 in Australia. 25 What we've seen over the last ten years has been</p> <p style="text-align: center;">Page 49</p>	<p>1 a significant increase, both in terms of making 2 referrals, in terms of child maltreatment, in terms of 3 the numbers of section 47s, so those investigations into 4 child abuse and child maltreatment up 159 per cent. You 5 know, in the last ten years we've moved from 76,000 6 investigations into a year up to 250,000 investigations 7 in the last year, so that seems to suggest to me that we 8 are receiving more referrals, we are responding far more 9 than we were a decade ago, which, again, raises in my 10 mind this question around, have we actually got 11 systematic, large-scale, underreporting? From where 12 I sit, the numerical evidence doesn't seem to bear that 13 out. 14 MS KARMY-JONES: Tom Perry, what do you say about that? 15 MR PERRY: I was listening to the earlier bit from the NSPCC 16 about professionals, and I don't know -- honestly, I'm 17 sitting here and I don't know who we're talking about 18 I have no clue. Someone please tell me, is it 19 a teacher? Is it a social worker? Is it a sports 20 coach? Who is the professional? Is the professional 21 waiting for a child to disclose -- please note, here we 22 are again, we're back in this thing, "Ah, we don't do 23 anything until we hear the child disclosing". Well, 24 children don't disclose, as we heard from 25 Professor Mathews just now. I mean, I could quote one</p> <p style="text-align: center;">Page 50</p>
<p>1 school -- I won't name it -- in the Serious Case Review, 2 15 years' abuse occurred. The adults knew, 30 reports 3 had been made to the headmaster, and 11 were followed up 4 in writing. He reported none. 5 It took a child to disclose to her mother before the 6 15 years of abuse was discovered, and there were many 7 children involved. 8 So what we have is we need to support the adults, 9 Professor Mathews said this very clearly in his 10 statement or in his presentation. There seems to be 11 an addiction to talk about the bottom layer of a club 12 sandwich and ignore the bit that is on top, that 13 actually we need to address, and that's adults failing 14 to report. Of course, we've got to make it as easy as 15 possible for a child to disclose. 16 And it's then for that disclosure or the concern to 17 go straight out to the Local Authority. Because 18 teachers are professionals at teaching, they are not 19 professional social workers. The same with sports 20 coaches, the same with faith settings. Get it to the 21 place that can deal with it and give them time to deal 22 with the incident. 23 And in the draft legislation that we put together 24 for Baroness Walmsley, we suggested ten days. I mean 25 this has been considered, but I really do get very</p> <p style="text-align: center;">Page 51</p>	<p>1 concerned at this extraordinary sort of policy 2 wonk-speak that I don't understand, and I am going to 3 put up a sign every time I don't understand it, it's 4 going to become embarrassing. I'm perfectly prepared to 5 say I don't understand it, I suspect other people in 6 this room don't understand it, but nobody says anything. 7 It's extraordinary. 8 MS KARMY-JONES: I am going to ask Almudena to respond to 9 that. 10 MS LARA: Yes, hi. I don't think we disagree on the example 11 given about school, big-scale abuse happening and 12 nothing being done, I think that is absolutely 13 unacceptable and under no circumstances do I want 14 anybody to be under any illusion that I have in any way 15 defended such a thing. 16 But the question was, from Ms Karmy-Jones, whether 17 there are any exceptions to when adults need to take 18 action, and I think there are exceptions when young 19 people are exploring with trusted adults what's 20 happening to them and trying to make sense to what's 21 happening to them. We know that many young people 22 actually also depend on those that are abusing them 23 directly. And the complexity of the relationships and 24 what's going on for them needs to be addressed carefully 25 by the adults around them. We know from our ChildLine</p> <p style="text-align: center;">Page 52</p>

<p>1 that some -- we've received some calls from young people                  2 that have lost the control over their own disclosure and                  3 have, as a result, denied the abuse that is happening to                  4 them as a way to get out of the situation that the                  5 adults around them have created for them. That have                  6 lost the perspective over what's the best thing for that                  7 child at that moment, but have gone into panic mode of,                  8 "How do we safeguard that child in that particular                  9 instance?", and we know of children that, having                  10 reported living with an abusive parent, have been sent                  11 home back to that abusive parent, because they have been                  12 in a position where adults around them have been                  13 querying and questioning their initial disclosure and                  14 they have been put in a position where they actually                  15 deny the abuse happening to them.                  16 And the adults around the child have all been felt                  17 very satisfied that everything has been done, reporting                  18 took place, action followed, questions were asked of the                  19 child and the adults, and the child actually has not                  20 been supported through that process.                  21 So I don't think we are disagreeing in that we need                  22 to absolutely be taking action and supporting children                  23 who are being abused. I think my particular input here                  24 is about how that process is managed in a way that puts                  25 the centre -- puts the child at the centre and actually</p> <p style="text-align: center;">Page 53</p>	<p>1 ensures that the outcome to that child is the best that                  2 can possibly be.                  3 MS KARMY-JONES: Thank you.                  4 I just want a final -- can I have a final comment                  5 from Sharon, please, and then we will go to the public                  6 gallery and I will come back to people in the later                  7 session. Sharon?                  8 MS BURTON: Thank you. I really just -- so I'm talking                  9 about doctors in particular, and what I wanted to say on                  10 the question about the current arrangements is that                  11 we've certainly been very clear that reporting must                  12 happen. There is an issue about the timing of reporting                  13 which I think goes to the points that have been made                  14 around older children who are exploring and wanting to                  15 have a degree of control over how and when that                  16 disclosure might happen and we've certainly also been                  17 clear about reporting of, if you like, minor concerns,                  18 so not a requirement in a sense to know and be                  19 100 per cent satisfied that, as a doctor, a clinician,                  20 you've been able to assess that there is sexual abuse.                  21 So I'm struck by what Ben Mathews has said about the                  22 issues of sexual abuse and the potential for                  23 professionals to feel fearful or uncertain or other sort                  24 of factors that might get in the way of their confidence                  25 around reporting.</p> <p style="text-align: center;">Page 54</p>
<p>1 I think that might be about exploring more the                  2 question about the training and whether there is                  3 sufficient sort of preparedness and understanding to be                  4 able to have what must be very difficult conversations                  5 about sexual abuse with very young children, where it                  6 seems what we're talking about is that professionals                  7 initiating those conversations or being willing to                  8 respond to, if you like, signal that that might be                  9 an issue, so I think there is at least a live question                  10 about the extent to which the training is in the right                  11 place.                  12 But I think what I've been hearing from frontline                  13 doctors in this area, nurses in this area, is also about                  14 the access to the experts and, again, I'm struck by what                  15 Ben said about systems where actually there are -- there                  16 is a real resource available to professionals to be able                  17 to kind of test understanding and to sort of help them                  18 on the journey of exploring the children and deciding                  19 when to make a report.                  20 MS KARMY-JONES: Thank you.                  21 I'm now going to go to the public gallery trying to                  22 keep to time and lots of hands up. I'm going to go to                  23 core participants first, so if you're a core participant                  24 I will try -- can I go to the gentleman at the back                  25 first? Remember, it's a comment. It's a comment. Are</p> <p style="text-align: center;">Page 55</p>	<p>1 you a core participant, sir? Comments, please, not                  2 direct questions. We haven't got a lot of time so                  3 please keep it short, thank you.                  4 Observations from THE PUBLIC GALLERY                  5 CORE PARTICIPANT: Core participant F55. When you actually                  6 go to a professional so-called and the professional is                  7 removed, the child, whoever they may be, should be                  8 removed or that person that you -- the so-called                  9 professional you indulge your information to, should be                  10 able to go to a body that can have that child removed                  11 from the place he has been so he is not put into harm's                  12 way afterwards.                  13 And that is very, very important.                  14 MS KARMY-JONES: Thank you very much for that observation.                  15 I'm then going to go to the gentleman in the middle, in                  16 the blue shirt, who I know is a core participant.                  17 CORE PARTICIPANT: Hello, yes, my name is Jonathan West and                  18 I'm a core participant in the Roman Catholic                  19 investigation. I've got a couple of brief comments on                  20 a number of the points.                  21 First, concerning this question of disclosure,                  22 I think the point is that there's a wide variety of                  23 evidence, it's often vague and equivocal, but other than                  24 child's disclosure. Now, if we're going to be worrying                  25 about whether or not we should report when there's</p> <p style="text-align: center;">Page 56</p>

<p>1 a sort of indefinite disclosure, it appears to me that                  2 we're almost making it impossible to justify reporting                  3 other evidence because the child hasn't given permission                  4 for it to be reported. So the child is not in the best                  5 position to know what's best for the child. And I think                  6 it's really very hard to imagine any circumstance in                  7 which reporting to the authorities so that the -- so                  8 that the abuse, the potential abuse, can be competently                  9 investigated, and halted, it's halting the abuse which                  10 is ultimately in the strong interests of the child.                  11 So it -- and since we already know that very few                  12 children do disclose and sometimes not until decades                  13 after the abuse, I think it's vitally important to note                  14 that a mandatory reporting law needs to consider                  15 evidence other than the child's disclosure.                  16 MS KARMY-JONES: Thank you.                  17 CORE PARTICIPANT: On the question of safeguarding training                  18 I know the inquiry has already heard in various of the                  19 public hearings that various organisations have sort of                  20 skirted around the -- the need to report, the training                  21 has been inadequate, perhaps deliberately so, that it's                  22 been carried out in such a way as to protect the                  23 reputation of the organisation ahead of the interests of                  24 the child.                  25 In one recent hearing, evidence was given concerning</p> <p style="text-align: center;">Page 57</p>	<p>1 a teacher who had entirely justified concerns about                  2 abuse and was told, "If what's good for you, you'll keep                  3 quiet and do your job".                  4 MS KARMY-JONES: Yes.                  5 CORE PARTICIPANT: On the matter of whether the duty should                  6 apply only to sexual abuse or other types of abuse,                  7 there is information from the Office for National                  8 Statistics, which I can dig out and provide to the                  9 inquiry, which indicates that in a large proportion of                  10 cases of reported abuse of one kind or another, the                  11 actual diagnosis made by the Children's Services after                  12 investigation was somewhat different from the subject of                  13 the original report, and cases of sexual abuse were                  14 picked up as a result of reports of other things.                  15 And so I would like to sort of reinforce what                  16 Professor Mathews said concerning the fact that                  17 an unsubstantiated report can still result in justified                  18 intervention, a justified need for intervention.                  19 My last point is concerning the effect of abuse on                  20 children. It's devastating, it's life-long and there's                  21 a significant economic cost to the country as a whole                  22 from the inability of abuse victims to participate fully                  23 in the life of the country.                  24 And that opportunity cost -- that loss of ability to                  25 contribute, quite apart from being a bad thing for the</p> <p style="text-align: center;">Page 58</p>
<p>1 victims themselves, harms the country and should be --                  2 and should be offset against any perceived costs or                  3 involved in a better -- a reporting regime that is more                  4 effective and catches more cases earlier.                  5 Thank you very much.                  6 MS KARMY-JONES: Thank you very much, Mr West. Can I --                  7 I caught the lady in the front row's eye first. Can                  8 I go to you for, literally, just a very short comment,                  9 please? I know that there are others who want to speak,                  10 but you will get an opportunity at the next round and                  11 I promise I will remember who it was. Go ahead.                  12 CORE PARTICIPANT: My response is to Stuart saying that he                  13 wouldn't repeat the evidence submitted in the first                  14 seminar, but I found myself having to repeat what I said                  15 at the first seminar which is, if the current                  16 arrangements are good enough, then why are we all here?                  17 We are here because we know where have been wholesale                  18 failures of institutions to report abuse when they know                  19 about it. So definitely there's a problem, and that's                  20 one part of it. The other part is, what is the                  21 solution, which is why I'm glad to hear from                  22 Professor Mathews, who is going to talk about mandatory                  23 reporting as a possible solution, and I think we should                  24 take that seriously because it's backed by evidence,                  25 yes. So, yeah, there's definitely a problem, mandatory</p> <p style="text-align: center;">Page 59</p>	<p>1 reporting is probably the solution. So that's what                  2 I think is happening at the moment.                  3 MS KARMY-JONES: Thank you, thank you very much. We've                  4 reached the point where we are going to take a break                  5 until about 3.10 pm. I do promise that those of you who                  6 are here for the next comments session and into                  7 tomorrow, I will do my best to get around so that                  8 everyone has an opportunity to have their say.                  9 Chair, this might be an appropriate moment. Thank                  10 you all.                  11 (2.55 pm)                  12 (A short break)                  13 (3.10 pm)                  14 MS KARMY-JONES: I think we are all reconvened around we can                  15 begin the next session.                  16 I just wanted to have one last point on the last                  17 session. If I can go to Noelle, you had a point at the                  18 end of the last session and I just wondered if you would                  19 like to share that with us now? If not, I can move on                  20 I'm sure it will come back to you. So --                  21 DR BLACKMAN: Sorry, I think it was about -- it was in                  22 response to the conversation that you began with                  23 Almudena about how quickly maybe somebody should                  24 mandatory report. My feeling is that what's really                  25 needed is clarity and that, actually, perhaps in order</p> <p style="text-align: center;">Page 60</p>

<p>1 to have clarity, we need to know what happens straight                  2 after the reporting, and if the reporting means that                  3 there's a team of skilled, trained, experienced child                  4 protection, therapeutic people who really understand the                  5 issues, you know, at all levels, then perhaps the                  6 reporting should happen immediately and then it's with                  7 experts. That was really my point.                  8 MS KARMY-JONES: Thank you very much.                  9 Session 2                  10 MS KARMY-JONES: So we're moving on to the next session,                  11 session 2, which deals with the impact of mandatory                  12 reporting. Professor Mathews' second presentation will                  13 focus, I understand, on that question of impact. Before                  14 we begin, he's asked me to let you know there are                  15 a couple of issues with a few minor formatting problems                  16 on some of the slides. It won't cause us any problems,                  17 but the correct versions will be published on the                  18 website and can be accessed after the seminar. So when                  19 you're ready.                  20 Presentation by PROFESSOR MATHEWS                  21 PROF MATHEWS: Thank you, and my apologies for those                  22 formatting glitches. PowerPoint is not necessarily my                  23 best friend. There were simply some digits on the bar                  24 graphs that didn't show up, for some reason, but I'll                  25 talk you through them anyway.</p> <p style="text-align: center;">Page 61</p>	<p>1 So in this second presentation I'll be talking about                  2 five different empirical studies into the impact of                  3 mandatory reporting of child sexual abuse that we've                  4 conducted in different Australian states and, in some                  5 cases, across the entire nation.                  6 Underpinning all of the studies has been the                  7 question that we've asked as scientists: what happens                  8 when you introduce mandatory reporting in terms of                  9 reports and outcomes? So we've conducted these studies                  10 and we've found what we found, so none of this has been                  11 biased, it's been published in the top journals                  12 worldwide and it's extensively documented in terms of                  13 methodology.                  14 So we'll look at the first study. Thank you.                  15 In this study, we asked the core question: what                  16 happens before and after introducing a mandatory                  17 reporting law for child sexual abuse?                  18 The nature of this study was to analyse trends in                  19 numbers of reports of sexual abuse and the outcomes of                  20 those reports; that is, were they investigated? If they                  21 were investigated, were they substantiated or not,                  22 before and after introduction of the reporting law in                  23 Western Australia, which happened on 1 January 2009? So                  24 it's quite recent in terms of Australian history and, in                  25 fact, world history in introducing mandatory reporting.</p> <p style="text-align: center;">Page 62</p>
<p>1 it gave us a nice, neat cut-off to be able to conduct                  2 this analysis.                  3 Now, I'll just point out that we used a couple of                  4 measures to explore the impact of reporting practice: we                  5 used numbers of reports; we used numbers of investigated                  6 reports; and we used numbers of substantiated reports by                  7 these four professions combined.                  8 Now, the numbers of substantiated reports, that's                  9 a really strong measure of the impact of introducing                  10 reporting laws, but it's also a conservative measure,                  11 because many people in the field believe that the best,                  12 most appropriate measure is actually the number of                  13 investigated reports because they include both reports                  14 that are substantiated and reports where there's likely                  15 to be some form of need that the child has, they've been                  16 deemed sufficiently pertinent by the child protection                  17 agency to merit a formal report. Okay? So that may                  18 involve harm, even if not substantiated, it may involve                  19 some level of abuse, even if not technically                  20 substantiated.                  21 What we've found here, first of all, with the                  22 reporting law in this state only applying to sexual                  23 abuse and only applying to doctors, teachers, nurses and                  24 police, we compared reports by those four groups for                  25 three years before the law commenced with four years</p> <p style="text-align: center;">Page 63</p>	<p>1 after the law commenced. And just one more explanatory                  2 comment. When these laws are introduced, they should                  3 be, and nearly always are, preceded by a systematic                  4 campaign of education for the mandated reporter group so                  5 that they know the nature of their reporting duty, what                  6 they should and should not report, so you may even                  7 expect to see some more reports being made even before                  8 the law actually commences.                  9 But we can just hold that to one side.                  10 So three major findings came from this study. In                  11 terms of annual means of numbers of reports, they                  12 increased from 662 per annum before the law commenced to                  13 2,448 after the law commenced. So the raw number of                  14 reports increased by a factor of 3.7. That's                  15 a substantial increase. Okay? The child protection                  16 system in Western Australia had to be prepared for that.                  17 At first, it may not have been fully prepared, but                  18 it then added further resources to handle that.                  19 Second major finding: the number of investigated                  20 reports increased from an annual mean before the                  21 reporting law of 451 to an annual mean after the                  22 reporting law commenced of 1,363, virtually a trebling,                  23 three times.                  24 And the third major finding was that the number of                  25 substantiated reports doubled from, pre law, 160 to,</p> <p style="text-align: center;">Page 64</p>



<p>1 post law, 327.                  2 That's a doubling in the number of children                  3 identified as victims of sexual abuse every year in that                  4 jurisdiction.                  5 It's hard to conceive of that as anything other than                  6 a substantial gain in child protection.                  7 We might note that the rate of children in reports                  8 at the peak of reporting after introduction of the law,                  9 was one in 210 children, which, from a point of view of                  10 systems burden, we concluded was not intolerable. In an                  11 average-sized Australian school, you might have 400 kids                  12 at that school. That equates to a rate of reports of                  13 two children at that school over the course of a whole                  14 year. Okay? Not intolerable.                  15 Effect on systemic capacity was a largest change in                  16 the first year after the law, then in the second year                  17 and then reports actually kind of plateaued, so they                  18 didn't just keep shooting up, and further studies I'll                  19 talk about shortly will further detail that. So the                  20 next couple of slides are just depicting these figures                  21 in bar charts and, for reasons of time today, I'll just                  22 leave those charts with you to look at at your leisure.                  23 So that's -- excuse me ...                  24 I just lost my place.                  25 Thank you.</p> <p style="text-align: center;">Page 65</p>	<p>1 So that was the first study.                  2 What happens before and after introducing                  3 a reporting law? That was the Western Australian study                  4 over 7 years.                  5 In the second study, we asked: what are the                  6 long-term trends in numbers and outcomes of reports of                  7 sexual abuse where you introduce mandatory reporting?                  8 So here we wanted to know what happens over the                  9 longer period of time after you introduce these laws, do                  10 reports keep on going up after an initial spike and, if                  11 so, what are the outcomes of those? Here we looked at                  12 a goldmine of data from the State of Victoria, a 20-year                  13 data set from 1993 to 2012.                  14 There were several significant findings from this                  15 study. First of all -- and this is really important                  16 from a systems burden point of view -- overall,                  17 reporting trends of sexual abuse over the 20-year period                  18 were generally stable, they stayed at a pretty stable                  19 level. There were four trends over 20 years, though.                  20 First, there was an initial increase for two years after                  21 introduction of the reporting law. There was then                  22 a plateau, stability, over the next 12 years. There was                  23 then, actually, a curious decline over two years, but we                  24 attributed that to a change in agency practice in how                  25 they coded reports. That was a bit of a glitch.</p> <p style="text-align: center;">Page 66</p>
<p>1 But then, interestingly, there was quite a marked                  2 increase in the last four years in the 20-year period,                  3 but that wasn't to do with any change in the nature of                  4 the law, it wasn't amended to make more reporter groups                  5 mandated reporters, it was because there was some                  6 high-profile cases and inquiries into child sexual                  7 abuse, particularly in institutions, and around this                  8 time there were lots more reports of suspected sexual                  9 abuse of boys in particular and that's because there                  10 were inquiries into the Catholic Church; okay? So there                  11 were social and systemic and awareness-raising factors                  12 and also agency-related factors related to increased                  13 systemic investment which associated that increase in                  14 the last four years.                  15 Over the 20-year period, Victoria witnessed                  16 an increase in the rate of reports per 100,000 children                  17 of 2.6-fold for boys, 1.5-fold for girls. So there was                  18 more of an increase for boys than there was for girls,                  19 but that heightened sensitisation to boys and their                  20 experience of sexual abuse was very important; okay?                  21 The third red arrow on that slide is particularly                  22 important.                  23 Over this period, there were substantially enhanced                  24 report outcomes for children. So here we grouped the                  25 outcomes of reports as follows. Substantiated reports,</p> <p style="text-align: center;">Page 67</p>	<p>1 other reports that were not substantiated but where                  2 there was still an official finding of harm, and other                  3 reports that were not substantiated but which were                  4 referred to services for the child, the child was seen                  5 to be in clinical need of services.                  6 Over that period, there was a 12-fold increase in                  7 these positive report outcomes for boys and a 5-fold                  8 increase for girls, indicating that increased levels of                  9 reports were based on real clinical need; okay? So over                  10 that 20-year period there were over 23,000 of these                  11 outcomes, so over 1,000 per year on average.                  12 Those findings in Victoria we also concluded were                  13 substantially improved outcomes for both girls and boys                  14 in that state.                  15 The next couple of slides just depict some of these                  16 trends over time. I'll just draw one point on this                  17 slide to your attention. If you can see the bottom line                  18 on this slide, the kind of grey line there, that depicts                  19 the rate of reports by mandated reporters in Victoria,                  20 combined doctors, teachers, nurses, police, over the                  21 20-year period. There you can see those four trends: an                  22 initial spike; stability for about 12 years; bit of                  23 a decline; and then quite a marked increase in the last                  24 four to five years.                  25 One line up, that orange or red line, that's the</p> <p style="text-align: center;">Page 68</p>

<p>1 trend line for non-mandated reporters.                  2 This is good to see, it's instructive to see,                  3 because it shows you that even where you have mandated                  4 reporting, you are likely to have more reports still                  5 being made, for the most part, by non-mandated groups;                  6 okay? That's not necessarily a bad thing.                  7 But it's important to appreciate that mandated                  8 reporting and where there's good outcomes, that's good,                  9 but where there's perceived negative outcomes of                  10 reporting in a jurisdiction, it shouldn't be sheeted                  11 home just to mandated reporting, there may be problems                  12 with non-mandated reports.                  13 The next slide just shows those positive enhanced                  14 report outcomes for both boys and girls using rates per                  15 100,000 children. I'll just leave that with you.                  16 So that was the second major study we did there.                  17 A third study we did asked what we thought was                  18 an important question. How do jurisdictions compare                  19 when they are generally quite similar but only one                  20 jurisdiction has mandated reporting for child sexual                  21 abuse? The other jurisdiction may well have                  22 a policy-based reporting duty or other forms of civil                  23 law reporting duty, but they don't have a systematic and                  24 systemic mandated reporting law-based duty. So here we                  25 did a comparative analysis of reports of child sexual</p> <p style="text-align: center;">Page 69</p>	<p>1 abuse in the State of Victoria in Australia which had                  2 mandated reporting and compared them with reports in                  3 Ireland which did not have mandated reporting. We used                  4 data from the year 2010. These two jurisdictions are                  5 socially, culturally and economically broadly similar                  6 and with equivalent child populations of 1.1 million                  7 which was useful for comparative purposes. A few major                  8 findings, first the number of reports. Victoria, with                  9 mandated reporting, had almost double the number of                  10 reports as Ireland. So Ireland 2,900; Victoria, 5,800.                  11 In Victoria, mandated reports -- that is by those four                  12 groups -- were 3,113, that's more than occurred in                  13 Ireland from the whole population.                  14 Second, in terms of the number of substantiated                  15 reports -- and this is really the headline finding from                  16 this study -- Victoria, with mandated reporting, had 4.7                  17 times as many as Ireland without.                  18 4.7 times as many, and that's using the most                  19 conservative measure of technically, formally,                  20 substantiated reports.                  21 In terms of context, human context, with each                  22 individual child acknowledged as a human being, that's                  23 780 children in one year alone.                  24 So Ireland had 209, Victoria 989.                  25 In Victoria, of that 989 substantiated reports, 536,</p> <p style="text-align: center;">Page 70</p>
<p>1 or about 53 per cent, were from mandated reporters. So                  2 you had 2.5 times as many substantiated cases coming in                  3 Victoria from mandated reporters alone, as in Ireland                  4 from the entire population.                  5 The third finding is about children involved in                  6 sexual abuse reports and looking at effect on systemic                  7 capacity. Ireland, the rate of children in those                  8 reports was one in 387, and in Victoria was one in 211,                  9 taking all reports into account and one in 379, just                  10 considering mandated reports. So not an intolerable                  11 burden in Victoria in terms of the effect on systemic                  12 capacity.                  13 The next couple of slides depict those numbers in                  14 a bar chart. This one I think is one of those slides                  15 where those numbers -- I apologise -- did not come out.                  16 Apologies for that.                  17 I'll leave those charts with you, for reasons of                  18 time.                  19 The fourth study asked another question again, and                  20 this is an important one to consider: how do reports of                  21 child sexual abuse differ from reports of other kinds of                  22 abuse and neglect? So physical abuse, psychological                  23 abuse, neglect and exposure to domestic violence?                  24 What we did in this study was to analyse trends in                  25 numbers and outcomes of reports of each child</p> <p style="text-align: center;">Page 71</p>	<p>1 maltreatment type in the largest state of Australia, New                  2 South Wales, and we're able to analyse data from 2017,                  3 so quite recent information. This is significant                  4 because it's Australia's largest state and in this state                  5 there have been some isolated incidents of undesirable                  6 reporting practice; okay? So that was another good                  7 reason to look at these data.                  8 Now when I say that about those undesirable                  9 reporting practice instances, it has not been about                  10 sexual abuse and that's one of the things this study was                  11 able to show.                  12 So first major finding: how many reports were made                  13 in this jurisdiction involving how many children?                  14 So in that one year, there were 291,000 reports of                  15 all kinds of child maltreatment combined, but they did                  16 not involve 291,000 children, they involved 121,000                  17 children. That's a beautiful demonstration of the                  18 phenomenon of multiple reports about the same child --                  19 okay? -- that, for substantiation purposes, can be                  20 counted as one.                  21 For sexual abuse there were 39,000 reports of sexual                  22 abuse involving 18,000 children. And as a rate of the                  23 child population, that was about 1 per cent; okay?                  24 So the take-home message from there is that sexual                  25 abuse is reported far less often than some other forms</p> <p style="text-align: center;">Page 72</p>

<p>1 of maltreatment and, as a proportion of the whole burden 2 of reports, is relatively low.</p> <p>3 We compared proportions of reports by maltreatment 4 type, 13 per cent were of sexual abuse. Compare that 5 with some other forms of maltreatment combined, and if 6 we refer to these as indirect maltreatment, here I'm 7 talking about neglect, other, which is child risk 8 behaviour such as alcohol and drug use, domestic 9 violence and carer issues, mental health for example. 10 61 per cent of all kinds of maltreatment were the 11 subject of those reports, compared with 13 per cent of 12 sexual abuse.</p> <p>13 Mandated reporters made 83 per cent of sexual abuse 14 reports, which is high compared to other jurisdictions. 15 New South Wales has a very long list of mandated 16 reporters, that's probably why.</p> <p>17 Outcomes of reports, 5,764 were substantiated and 18 nearly 5,000 of those were reports by mandated 19 reporters.</p> <p>20 In New South Wales there have been government 21 inquiries that have looked at the question of whether 22 mandated reporting should continue as social policy and 23 they have consistently concluded that it should. 24 Despite its large numbers of reports, they have accepted 25 the evidence of different reporting trends for sexual</p> <p style="text-align: center;">Page 73</p>	<p>1 abuse.</p> <p>2 The next couple of slides just depicts some of those 3 numbers in graphic form.</p> <p>4 I'll just run to the last study now. Only got 5 a couple of minutes left.</p> <p>6 So this study basically asked the same question as 7 the last one, but looking at the whole nation of 8 Australia: how do reports of sexual abuse differ from 9 reports of other kinds of abuse and neglect over time? 10 We looked at ten years of data over all of our eight 11 states and territories. A few quick findings I'll note 12 here.</p> <p>13 Reports of sexual abuse were consistently about 14 10 to 12 per cent of all reports of child maltreatment. 15 That's combining both non-mandated and mandated 16 reporters.</p> <p>17 Mandated reports of sexual abuse are about half of 18 those, so that means of all reports, of all forms of 19 maltreatment by all reported groups, mandated reports of 20 sexual abuse are about 5 per cent, maybe 6 per cent; 21 okay? So it's a small portion of the overall systemic 22 burden to deal with, it's reported much less often than 23 other forms of maltreatment and trends in sexual abuse 24 reports are quite stable over time and they vary less 25 than for other maltreatment types. Nationally, for that</p> <p style="text-align: center;">Page 74</p>
<p>1 decade, there were 64,000 substantiated reports of child 2 sexual abuse from all sources, roughly half of those 3 were from mandated reporters, involving about 4 1.3 per cent of children.</p> <p>5 The last couple of major points I'll make here. 6 Some key systemic challenges did emerge when we looked 7 at that data, again from eight states and territories, 8 all forms of maltreatment. So we can call this 9 perceived undesirable reporting, but these did not 10 concern reporting of sexual abuse in any jurisdiction. 11 More to the point, they concerned reporting of exposure 12 to domestic violence and perceived emotional abuse in 13 only two states and sometimes by specific reporter 14 groups, not all mandated reporters combined. In one 15 case in particular this was then remedied by legislative 16 change and systemic change.</p> <p>17 I'll just quickly move to this example from New 18 South Wales. So an example of undesirable reporting 19 practice occurred from 2004 to 2009, and this involved 20 reports by police of children being exposed to domestic 21 violence, and these were reports many of which were not 22 intended to be made by the law. There was also a spike 23 in reports of neglect and physical abuse by some 24 reporter groups, not all, but you'll note on this graph 25 that the line for sexual abuse is the red line and</p> <p style="text-align: center;">Page 75</p>	<p>1 reports of sexual abuse were stable.</p> <p>2 Now what happened in January 2010, New South Wales 3 amended its reporting legislation to make it very 4 clear -- and this was accompanied in reporter 5 education -- that only significant harm should be 6 reported. It removed a penalty for non-compliance and 7 it enabled reports of cases of family need -- for 8 example, in cases of neglect -- to be made to community 9 welfare agencies not to statutory child protection. 10 As a result of those factors, reporting behaviour 11 changed considerably, so those reports, many of which 12 were seen as unintended or undesirable reports of DV, 13 domestic violence, fell off a cliff after 2010, which is 14 what they wanted to happen. Then they went to places 15 where they were intended.</p> <p>16 I'm almost finished now, just one more example and 17 this from Victoria. I apologise, this is a very busy 18 slide, but what this slide shows is that in Victoria 19 sexual abuse reports were very stable and comprised only 20 4.8 per cent of reports over the decade by mandated 21 reporters and 10.8 per cent by all reporter groups.</p> <p>22 Note, again, that reporting laws in Victoria do not 23 apply to emotional abuse or domestic violence or 24 neglect. A problem happened in Victoria in that there 25 was a huge increase in reports of those non-mandated</p> <p style="text-align: center;">Page 76</p>

<p>1 forms of maltreatment by both mandated and non-mandated                  2 reporters largely because there was a growing awareness                  3 of the severe problem of domestic violence, but that                  4 wasn't about mandated reporting; okay? So where there                  5 have been some other instances of perhaps unintended                  6 reporting behaviour that some laid at the blame of                  7 mandated reporting, it actually wasn't about mandated                  8 reporting at all.                  9 Just moving to my last slide now. Some conclusions.                  10 Based on the science, empirical evidence and ethical                  11 considerations strongly support introduction of                  12 mandatory reporting for sexual abuse. It's been shown                  13 to achieve far superior child protection outcomes with                  14 relatively little systems burden. It needs always to be                  15 accompanied and preceded by excellent multi-disciplinary                  16 education for mandated reporters. It definitely needs                  17 to be supported by appropriate resourcing for intake                  18 systems and response and service provision systems. It                  19 may well require careful planning for cultural change                  20 and refinement of triage systems, and it does require                  21 ongoing monitoring to identify areas of education,                  22 reporting practice and systemic responses that may                  23 require treatment.                  24 We must acknowledge that any systemic change may                  25 appear challenging in current circumstances of economic</p> <p style="text-align: center;">Page 77</p>	<p>1 and systemic austerity and workplace strain. That's                  2 understood.                  3 But evidence does indicate that substantial gains in                  4 child protection and benefits in the short-term may also                  5 flow long-term, including economically. And we must                  6 appreciate that legitimate democratic government has                  7 a duty to protect vulnerable children through the                  8 adoption of proven policy measures and provision of                  9 sufficient budgetary support.                  10 Thank you.                  11 MS KARMY-JONES: Thank you, I just have one question for you                  12 one question of clarification.                  13 Given your research into the different approaches of                  14 mandatory reporting and their impact, can you say which,                  15 if any, approach has been the most successful in                  16 identifying substantiated cases of child sex abuse?                  17 PROF MATHEWS: I would need to look to the data on that.                  18 MS KARMY-JONES: Maybe you can come back to us, if that's                  19 a question that's possible to answer.                  20 PROF MATHEWS: Yes, I would need to come back to you on                  21 that. That's a difficult question to answer as well                  22 because it is highly dependent on the agency's capacity                  23 and the agency's procedures for substantiating cases,                  24 yes, but I can come back to you on that.                  25 MS KARMY-JONES: Thank you, thank you very much. We've gone</p> <p style="text-align: center;">Page 78</p>
<p>1 a little over, so I'm going to move on to discussion, if                  2 that's all right with everyone. I'd like to start with                  3 Albert Heaney from the Welsh Government. What's been                  4 the impact of the duty to report in Wales?                  5 MR HEANEY: I think I'm probably one of the participants                  6 today who has maybe come in from a slightly different                  7 position, so I think it's probably worth just sharing                  8 some of that, teasing some of that out a little bit.                  9 When we were producing the legislation, which I know                  10 we've talked about around this table previously, we had                  11 a Wales -- the minister had a Wales safeguarding forum                  12 that really went into some detail around these issues                  13 and the professionals were all represented from                  14 different groups. What's interesting perhaps to note,                  15 there wasn't a great deal of contention around this                  16 issue. So it's probably just worth flagging that, so                  17 there was the debate that this happened. We believe                  18 very strongly that some of the procedures that we need                  19 to strengthen where we were listening to the voices of                  20 children and young people themselves, the legislation we                  21 produced, we're very proud of it, and we would be                  22 because it's new powers given to us, but we produced it                  23 with people, you know, for people. And, you know,                  24 people themselves, victims/survivors of abuse were                  25 saying, you know, they wanted to see a duty to report.</p> <p style="text-align: center;">Page 79</p>	<p>1 Whether that's given us then the evidence that it                  2 makes a material difference, I think is the point to                  3 contend, because, actually, I think we're starting from                  4 the point that it's a point of principle. It was a bit                  5 like in the old days, when we -- some of us are old                  6 enough to remember driving without seat belts. The law                  7 came in, said you had to drive with seat belts, and                  8 then, decades later, people would just drive putting                  9 their seat belts on. They know that it's the way that                  10 we do business around here.                  11 The reason I say that is because sometimes setting                  12 law is about setting a principle, isn't it? Because the                  13 debate today, actually, what I heard and I think really                  14 what -- I heard Stuart say about the fact that, what                  15 he's looking at is the best practice, you know, about,                  16 actually, when young people -- when you were speaking                  17 from the NSPCC's perspective, you were saying,                  18 "Actually, young people are sharing their stories, their                  19 life experience, and they are expecting us to do                  20 something about that in a constructive way", and I think                  21 that's the bit about our legislation: our legislation                  22 sets a duty but, actually, the training, the culture,                  23 the way we work is absolutely pivotal to what we're                  24 seeking to achieve.                  25 In terms of, then, the evidence, in terms of</p> <p style="text-align: center;">Page 80</p>

<p>1 actually a big burst in terms of referrals that hasn't                  2 happened -- so whereas the evidence internationally is                  3 clearly saying that it has peaked and has led to                  4 heightened referral rates, that hasn't been the Welsh                  5 experience today, but it is early in our life cycle of                  6 new legislation, I mean, it's only a couple of years.                  7 The one thing I would say as well, there hasn't been                  8 a real peak in non-compliance, but there's been a real                  9 debate in training in raising awareness around what that                  10 duty means, who should be -- so the conversation,                  11 I think that sometimes is helpful, have the conversation                  12 about, "How do we respond differently to make sure we                  13 support people, children, young people in telling their                  14 stories and responding to their particular needs to                  15 prevent to detect to stop abuse?".                  16 So in terms of numbers, there have been a small                  17 number of non-compliance, those issues seem to have been                  18 picked up on by local areas themselves, and responded                  19 to. So again, whilst that might not be -- you know, the                  20 numbers are not high and every one child coming through                  21 that, we think is the right thing to respond.                  22 Then probably my last comment would be that -- and                  23 I know we're taking a slightly different position --                  24 I still think we have a lot to learn, we're interested                  25 in terms of whether we're -- have we got the right</p> <p style="text-align: center;">Page 81</p>	<p>1 people included in our duties, do we need to expand                  2 that? But our debate, in terms of Wales, isn't about                  3 not having a duty, it's about, have we got it right and                  4 making sure we're doing our training and kind of our                  5 workforce in making sure we respond.                  6 From the inquiry's work -- I mean, reading the                  7 inquiry's work, I think the other thing that strikes                  8 a real chord and a real heart chord, is that actually                  9 some of the stuff that's still coming out from the                  10 inquiry is realtime today, so we don't feel that we're                  11 in a position where we can be at any stage complacent                  12 and see this as, "This is historical". Yes, of course                  13 there's a very big historical context here to a lot of                  14 the inquiry's work, but we're still seeing issues where                  15 there are failures and gaps, that we need to work                  16 together in our culture, and back to that seat-belt                  17 analogy of, it's a long time ago when the seat-belt law                  18 was changed, but it takes time for us to build our                  19 culture and change our practice.                  20 MS KARMY-JONES: Can I ask a couple of things just to                  21 clarify quickly? Would it equally be the case that                  22 there is no significant sign of adverse effect then in                  23 Wales?                  24 MR HEANEY: Yes, certainly, there's no major adverse -- so                  25 there's no major concerns about, you know, peak in false</p> <p style="text-align: center;">Page 82</p>
<p>1 referrals, peak in demand in terms of inappropriate.                  2 I think that that comes back to then us together, in the                  3 same as that this is across England and Wales, our                  4 culture, our workforce, our training, so lots of                  5 conversations with the workforce regulators, Social Care                  6 Wales, in terms of how it supports practice, in terms of                  7 social work, lots of conversations with our health                  8 colleagues, for example, in terms of what that means for                  9 them in terms of duty to report.                  10 MS KARMY-JONES: But are you keeping data? Are you keeping                  11 data in a kind of collative -- for comparative purposes?                  12 MR HEANEY: In terms of comparative purposes, we do have                  13 a level of data, but I will say that the kind of data                  14 that we're talking about, the substance of it is                  15 sometimes much harder, but there is certainly child                  16 protection and referral data that's been monitored, yes.                  17 MS KARMY-JONES: Okay, thank you.                  18 One thing we know is that the rate of referrals made                  19 to children's social care is said to be increasing in                  20 England, at least. I'm going to ask Katy Willison,                  21 first of all, do you have figures on that increase and                  22 can you give us an idea of what the reason is for the                  23 increased rate of referrals? And also, in the figures,                  24 do you have a breakdown of which relate to child sexual                  25 abuse as opposed to other forms?</p> <p style="text-align: center;">Page 83</p>	<p>1 MS WILLISON: Yes, so I can give you a figure for the                  2 trends. They have been increasing, as Stuart said                  3 earlier. So for children in need, which is our proxy                  4 for what we might see as a referral and as the first                  5 point at which we have national statistics that we can                  6 give you, the most recent number of referrals in 2017/18                  7 was 655,000. And that's a rate of 553 children per                  8 10,000.                  9 That has been a sort of steady increase over time                  10 and it's gone up slightly year-on-year. If it's                  11 helpful, I can provide the inquiry with a sort of data                  12 set that sets that out.                  13 MS KARMY-JONES: Thank you.                  14 MS WILLISON: In addition to that -- I think this was also                  15 what Stuart mentioned -- was the number of section 47                  16 assessments, which is where sufficient harm has been                  17 detected to warrant an investigation and they have gone                  18 up by more substantial amounts over recent years, so the                  19 line is drawn much more sharply. So referral is going                  20 up gently and investigation is going up more sharply.                  21 Of those referrals, you asked the point around the                  22 assessment factors, what was the primary source?                  23 The two, I think, that are relevant here are that,                  24 if you look at the percentage of episodes in 2017/18,                  25 6.4 per cent of those are identified as sexual abuse,</p> <p style="text-align: center;">Page 84</p>

<p>1 and 4.1 are identified as child sexual exploitation, so                  2 over 10 per cent with some form of child sexual abuse as                  3 a factor.                  4 MS KARMY-JONES: And reasons?                  5 MS WILLISON: Sorry?                  6 MS KARMY-JONES: Reasons for it?                  7 MS WILLISON: Oh, the reasons for the increase. I think                  8 this one is an incredibly challenging debate and is                  9 actually one that an awful lot of people in government                  10 and around have been trying to debate, and I'm afraid                  11 there isn't a single answer. I have heard many                  12 different points around it. Some people have                  13 speculated -- and please remember these are all types of                  14 abuse rather than just child sexual abuse -- that the                  15 current climate and that austerity may be a reason,                  16 other people have speculated on changes of culture and                  17 more awareness of risks to children and other people                  18 have speculated around a more risk-averse society and                  19 an unwillingness to -- to accept the treatment of                  20 children now that we did accept even ten years ago.                  21 I think another one that is very commonly quoted is the                  22 awareness of the damage to children that can be caused                  23 by some of the most common reasons for referrals such as                  24 domestic abuse or mental health or substance abuse. The                  25 impact that that can have on children is more broadly</p> <p style="text-align: center;">Page 85</p>	<p>1 known, I think, to society as an ill than it probably                  2 was ten years ago. But despite looking at this in quite                  3 some detail, what the government hasn't ever been able                  4 to do is pinpoint and suggest exactly why -- the reasons                  5 behind the increase and try and assess either each of                  6 those as a factor.                  7 MS KARMY-JONES: We also know that the total number of                  8 referrals that result in a child being assessed as not                  9 in need of statutory services is increasing. Do you                  10 have any ideas or thoughts on why that may be the case                  11 and are the increasing rates of referrals to social care                  12 leading to an increase in unsubstantiated referrals?                  13 Two questions.                  14 MS WILLISON: Again, we don't have data or evidence that                  15 underpins what I'm saying, it's more speculation. We do                  16 know, as I said, that there are significantly higher                  17 numbers of investigations and what we know is that, as                  18 a result of that, there are fewer that are turning into                  19 cases where children are placed on child protection                  20 plans so that no further action is being taken, what                  21 some people speculate around that is around that level                  22 of risk aversion, is that concern that drives people to                  23 want to check out the circumstances but that not all of                  24 those are converting through into specific action taken.                  25 The other point that is often made to me -- and I'm</p> <p style="text-align: center;">Page 86</p>
<p>1 not a practitioner, so I'm reflecting points made to me                  2 rather than something that I know myself -- is that                  3 quite often the nature of the assessment itself can                  4 support change for a child, even if there is no sort of                  5 formal and more long-term action. The process of                  6 assessment will take place over a 45-day period and will                  7 sometimes involve some form of action and support for                  8 the child and family. So even within those no further                  9 actions, there is potential for some form of action or                  10 support to have been put in place.                  11 MS KARMY-JONES: Okay. Thank you very much.                  12 Can I then turn to Tina Wilson? What would the                  13 impact be on children's social care if there was                  14 an increased volume of referrals? An increase in that                  15 volume.                  16 MS WILSON: So what would be the impact -- sorry?                  17 MS KARMY-JONES: What would be the impact on children's                  18 social care if there was an increase in the volume of                  19 referrals?                  20 MS WILSON: I'd probably say I'm not the best person to                  21 answer that in this room, I think there are a number                  22 of -- I would probably pass that to Stuart.                  23 MS KARMY-JONES: My next question is for Stuart, so I'll                  24 roll that up with that -- I'll come back to you Tina.                  25 What would the impact be?</p> <p style="text-align: center;">Page 87</p>	<p>1 MR GALLIMORE: What we are already seeing in terms of that                  2 increase referrals coming into departments is clearly                  3 decisions have to be made and different pieces of work                  4 are prioritised and the end result has been                  5 a significant decline in the early help offer that is                  6 being made to children and their families as social work                  7 time is prioritised around those -- that statutory work                  8 around safeguarding. So some of that more early help,                  9 that preventative work, the sort of work that prevents                  10 the escalation of harm simply cannot be done.                  11 And without a commensurate increase in resource, you                  12 would see that picture continue to escalate.                  13 MS KARMY-JONES: Right. Can I just ask you something which                  14 touches on something you said earlier. How do we know                  15 that the increase in numbers of inquiries and protection                  16 plans is only because of better identification rather                  17 than other factors? How do we actually know that?                  18 MR GALLIMORE: Well, what we know is as a result of a range                  19 of things. Very much as Katy said, it's hard to                  20 identify one thing, but I think what we have seen has                  21 been a growth in confidence in terms of responding to                  22 a whole range of issues and some of that, sadly, has                  23 been generated by bad practice and the sorts of                  24 inquiries that others have referred to. You know, you                  25 learn and reflect from that.</p> <p style="text-align: center;">Page 88</p>

<p>1 The other thing that has undoubtedly increased it, 2 and this will be something that Professor Jay is very 3 familiar with, we are now responding far more 4 assertively to some child protection situations that we 5 should've been responding assertively to over many years 6 and it gets wrapped up in terms of contextual 7 safeguarding, but those young people that have been 8 subject to abuse by, you know, gangs, some of the work 9 that Professor Jay did in Rotherham, is now seen as that 10 is the thing that we should be responding to and we 11 should be responding to that vigorously. Historically, 12 we haven't, and it is shameful to say that, but that's 13 the reality of previous investigations. 14 So you know, one of the fruits, in terms of doing 15 the right thing, means that the numbers by their own 16 nature will increase. 17 MS KARMY-JONES: Is there anyone here who thinks that there 18 is a risk that a mandatory reporting duty would create 19 a culture of reporting rather than a culture of acting? 20 Yes, Anna? 21 MS COLE: I think -- I represent school leaders -- I think 22 that is the concern of our members and when we talked 23 about this in 2016 that was the worry. The kind of 24 feedback I got was, first of all, that we would 25 differentiate absolutely from a wilful cover-up where</p> <p style="text-align: center;">Page 89</p>	<p>1 someone knew about known abuse or it had been reported 2 to them and they had failed to report on, and we would 3 absolutely support that, but the school leaders that fed 4 back to me -- again, I'm not a practitioner -- was 5 absolutely that reporting isn't the issue in schools, 6 they have very clear lines of reporting -- Keeping 7 Children Safe and Working Together -- very clear on the 8 duties to report to the designated safeguarding leader 9 in schools, and that the concern is then that people 10 will start doing right things rather than doing the 11 right thing in a compliance culture, and that putting 12 that duty on teachers -- and that was the biggest 13 concern, really, from schools. 14 MS KARMY-JONES: Thank you. Thank you. 15 How might the introduction of a mandatory reporting 16 duty affect practitioners more widely outside social 17 care? So, Simon, also Independent Schools Council, so 18 in a similar field, what's your view on that? How might 19 the introduction of a mandatory reporting duty affect 20 practitioners more widely? 21 MR NATHAN: I think, from our perspective, the focus is more 22 on the practicalities than the principle. You know, we 23 would support mandatory reporting if it was a system 24 that was proven to be effective. 25 I think what Anna said is entirely right, schools</p> <p style="text-align: center;">Page 90</p>
<p>1 already have systems in place, there will already be 2 an expectation on teachers and, you know, the other 3 staff in schools to report things if they see things 4 happen. I think if the duty came in, the focus should 5 also be on adequate training for teachers, making sure 6 that teachers know what they're meant to be spotting, 7 know how they're meant to deal with things. 8 What would the outcome be? I mean, in our original 9 submission in 2016, we were one of the organisations 10 that raised some concerns about unsubstantiated 11 reporting, obviously very interested in the findings 12 from Professor Mathews, you know, the focus for us would 13 be, "Is any system getting the right outcome for 14 children?", and focus is very much on the outcome, not 15 on sort of the administrative system that goes around 16 that. 17 And, you know, interested in what -- in sort of the 18 first two case studies saying that you know, yes, there 19 was an increase in reporting, but there was an increase 20 in intended outcomes for children, and I think that's 21 something that we need to look -- you know, that was 22 certainly a positive for me in the evidence of something 23 to look at. 24 MS KARMY-JONES: If attention is placed on referrals and 25 reporting, what would the effect be on working</p> <p style="text-align: center;">Page 91</p>	<p>1 relationships between children and organisations or 2 agencies outside the specific institution? Would you 3 have any views on that? What would the effect be on 4 working relationships, say either between a child and 5 a teacher, between -- or even between teachers. 6 MR NATHAN: To be honest, it's -- I mean that's not 7 a particular issue that I personally look at in great 8 detail, so I'm not qualified to give an informed view. 9 Certainly, you know, the aim should be to create 10 a safe environment for children to be able to come 11 forward. And then it's about, you know, people saying 12 in the first session the sort of trust that they put in 13 teachers, but on your specific question I wouldn't 14 feel -- 15 MS KARMY-JONES: Okay, all right. DS Mike Britton, how 16 might the introduction of a mandatory reporting duty 17 affect the police? 18 DS BRITTON: Thank you. 19 It's a really difficult question to answer and I'll 20 try and give it my best, but one of the things that 21 we're always concerned about is the resourcing we have 22 available to investigate these reports and obviously 23 provide the best quality of service we can to victims 24 and survivors. 25 It does come back to a lot of the intricacies when</p> <p style="text-align: center;">Page 92</p>

<p>1 you're developing this type of policy, so, for example,                  2 the training and provision that goes along with it.                  3 We've not seen a decrease in child sexual abuse                  4 reporting for a number of years and we're still seeing                  5 that increase. I would have concerns about certain                  6 elements of the reports coming in, so, for example,                  7 teachers who have a responsibility to report, and then                  8 we have -- we have seen an increase in youth-produced                  9 sexual imagery. So they would then feel that they have                  10 to report every single case of youth-produced sexual                  11 imagery to us, because technically that is child sexual                  12 abuse of making and distributing indecent images of                  13 children.                  14 Currently we don't necessarily see all of those                  15 reports because they are dealt with by other agencies,                  16 and we would have concerns about how children could be                  17 potentially brought into the criminal justice system and                  18 ultimately dealt with as potential offenders when we try                  19 not to criminalise children for growing up in current                  20 society, I suppose.                  21 So we do have concerns about, if there is any                  22 increase in reporting, how we would manage that, and                  23 given current resourcing and everything else, but                  24 I think it does come down to those real intricacies                  25 about how it would be drafted, the training provision</p> <p style="text-align: center;">Page 93</p>	<p>1 that goes along with it, and how that is interpreted by                  2 the professionals before it comes into the police                  3 service, I think.                  4 MS KARMY-JONES: Thank you.                  5 Just turning to you, Moya, if I may. What do we                  6 know about reports made about child sexual abuse by NHS                  7 staff? Is there a trend? Has there been an increase                  8 or --                  9 MRS SUTTON: I think the inquiry has received previous                  10 documentation, but NHS England has just produced its                  11 SARC strategy, so to speak, for the next five years,                  12 which is an acronym for sexual assault referral centres.                  13 What that strategy sets out is very much the vision from                  14 victims and survivors about what services they want to                  15 receive.                  16 So if mandatory reporting produces a general                  17 increase, I think we will have in place a strategy that                  18 is prepared to deliver the standards that our victims                  19 and survivors want, but what it may well do is put                  20 pressure on pediatricians and forensic services and the                  21 strategy does set out an investment plan to try and do                  22 that.                  23 I think one of the things that we perhaps haven't                  24 touched on -- and it may not be appropriate to touch on                  25 it within the conversations today -- is there's</p> <p style="text-align: center;">Page 94</p>
<p>1 something about so what difference does it actually                  2 make? We have a spike in referrals, substantiated                  3 referrals, but at the very beginning we heard about the                  4 impact that child sexual abuse has on children growing                  5 up and into later life. We heard about drugs and                  6 alcohol, mental health, suicide, et cetera. One of the                  7 things that I think from a public health and a health                  8 and well-being perspective is that I would really be                  9 interested to know, certainly from our colleagues in                  10 areas where it has been introduced, has it resulted in                  11 health improvement, health gain for children and young                  12 people? Has it improved -- has it reduced unwanted                  13 pregnancy and sexually transmitted infections? Has it                  14 increased that system to mental health support? Has it                  15 increased education, access and education success for                  16 these young people? Has it reduced self-harm? Has it                  17 increased in children being protected in the looked                  18 after children system? And has it reduced any youth                  19 justice relationship? Because we've provided that                  20 support, because we've found them, whereas perhaps we                  21 haven't found them before.                  22 I think that if we were to make a compelling                  23 argument to partner agencies to say this actually is                  24 worth an investment because in the long-term it actually                  25 will improve the life chances of children and young</p> <p style="text-align: center;">Page 95</p>	<p>1 people from a health youth justice education                  2 perspective, then that's a very compelling argument,                  3 isn't it.                  4 MS KARMY-JONES: Ben, can you say anything about that?                  5 PROF MATHEWS: I can. There is little long-term empirical                  6 evidence of the kind that you've just mentioned.                  7 However, what I would say is that there is evidence                  8 about the number in Victoria, for example, of children                  9 who were in investigated reports and substantiated                  10 reports who were then referred to health services. Now,                  11 to my knowledge those children have not been followed up                  12 into later life to examine their health outcomes;                  13 nevertheless, it is known that they certainly did                  14 receive health services.                  15 As well we also know that a lot of substantiated                  16 cases do then connect with formal child protection care                  17 orders, for example in cases of familial sexual abuse,                  18 so that is certainly a beneficial outcome.                  19 We also know that some cases help to connect with                  20 the criminal justice system so that offenders can be                  21 criminally prosecuted, not only in some cases for the                  22 abuse of the index child but for their abuse of other                  23 children as well.                  24 So there are multiple benefits from those kinds of                  25 report investigation outcomes.</p> <p style="text-align: center;">Page 96</p>



<p>1 It is a gap in the field to do long-term follow-ups  2 of individual children and their health outcomes.  3 I think, however, it's plausible to suggest and conclude  4 that those beneficial outcomes are there to the extent  5 that we need to support this as a policy.  6 MS KARMY-JONES: Can I just ask you this. What's been  7 introduced, or are you able to tell us what has been  8 introduced elsewhere, alongside mandatory reporting  9 specifically to support its implementation? So, for  10 example, where it's led to an increase in substantiated  11 cases there's going to be an impact, isn't there, on  12 police or however the investigation mechanism is carried  13 through. So what's in place to deal with that?  14 PROF MATHEWS: Absolutely, yes. And this is a very  15 important point which goes to some of the questions and  16 answers that were given before.  17 This is not just an individual institutional issue,  18 although it is an institutional issue and a professional  19 and practitioner-based issue, this is a systems issue.  20 So when this is introduced as a policy for a start there  21 are investments in multi-disciplinary educational  22 programmes for reporters. They are implemented at  23 a sector-wide level, so not just within one school or  24 within one school area or even within one independent  25 school or Catholic school system, but across an entire</p> <p style="text-align: center;">Page 97</p>	<p>1 profession. So that is one huge investment that is done  2 ahead of time, ahead of when the reporting duty is  3 implemented so that practitioners know what sexual abuse  4 is, what signs and indicators to look for, what is not  5 sexual abuse, what should not be reported by police.  6 Okay? Self-generated selfies should not be reported  7 as sexual abuse.  8 With that, we've seen in, for example, Victoria and  9 Western Australia and Queensland and the other states  10 and territories in Australia, and in Canada and the US,  11 that there's substantial agency investment, and we're  12 talking lots of money in some cases. And this is  13 because it's both a government responsibility, but it's  14 also a systems issue that involves not only child  15 protection systems but juvenile justice systems, in some  16 cases, criminal justice systems and public health  17 services.  18 So, yes, it's accompanied by substantial investment  19 that recognises the short-term need to support  20 investigations and health service responses and  21 rehabilitation responses, but it also recognises the  22 long-term economic gain that comes from that investment.  23 MS KARMY-JONES: So in your view is overarching consistency  24 in approach essential to make the systems work?  25 PROF MATHEWS: It's certainly highly desirable and it should</p> <p style="text-align: center;">Page 98</p>
<p>1 happen, yes.  2 MS KARMY-JONES: And across institutions?  3 PROF MATHEWS: Yes, absolutely, absolutely. And that's one  4 reason why the laws are superior to isolated  5 policy-based approaches that have been shown not to be  6 sufficiently consistent, sufficiently high quality and  7 taken sufficiently seriously by those in those  8 professions.  9 MS KARMY-JONES: Thank you.  10 So just going back to Wales, if I may, is there that  11 kind of overarching consistency of approach and guidance  12 given across institutions? And, secondly, you said that  13 in effect the duty to report has not, as far as you can  14 see, necessarily led to significant benefits, certainly  15 not the ones that Ben has outlined to us. If it hasn't,  16 do you think that there's any need for the duty to be  17 strengthened? Is there a question about the duty not  18 being strong enough?  19 MR HEANEY: Okay. Thank you very much.  20 So the first part of the question was about, you  21 know, is there consistency of approach, which is  22 absolutely essential. It goes back then into the  23 history of the development really in terms of the Welsh  24 safeguarding arena. If you go back into the 90s, there  25 was regional procedures and practice developed, that</p> <p style="text-align: center;">Page 99</p>	<p>1 then developed into all Wales procedures and practice,  2 in terms of from a government response now it's very  3 easy for us to work with our partners because they see  4 it as about a whole Wales approach. Alongside that, to  5 strengthen, we've developed a national independent  6 safeguarding board, independent members who then advise  7 Welsh ministers on key safeguarding issues that need to  8 be strengthened within Wales alongside the traditional  9 local children's safeguarding board approach.  10 In terms of the point of the difference, I think --  11 you know, I can't say in front of this group today,  12 because the evidence is not there, that this has led to  13 a substantial change in terms of referrals and numbers.  14 That evidence is not there. I come back to the  15 principle, so, you know, there's something about from  16 a Welsh perspective, from a ministerial perspective,  17 from a safeguarding arena, we didn't get -- perhaps we  18 should've had -- but we didn't get the kind of  19 contentious debate on the for or against view, it was  20 very much -- and maybe that was the development over  21 a period of time because professionals are working  22 together.  23 Actually I expect professionals to make referrals.  24 I do. I expect them to be listened to and responded to  25 with a duty of care that gives that child and young</p> <p style="text-align: center;">Page 100</p>

<p>1 person the best advantage for the opportunities to be --                  2 I expect the children's voice to be heard in that whole                  3 process.                  4 MS KARMY-JONES: Is the expectation enough? Is it enough to                  5 expect?                  6 MR HEANEY: Well, that's why we had the duty, because the                  7 duty there, the guidance, the procedures, are all in                  8 place and no one of them is more important than the                  9 other, it's the collection of bringing it together in a                  10 focus. So, for example, we have national approached                  11 advocacy, every child, young person, within Wales,                  12 because of a learning of abuse, has a right to what we                  13 call is an active offer, which is a direct approach                  14 between an advocate and themselves so their voice is                  15 heard. Because we have gone through our own pain and                  16 trauma - anyone who has followed the Welsh history will                  17 know exactly what happened in North Wales, and we had a                  18 duty and have a duty to continue to respond and be                  19 setting ourselves up for making sure that children and                  20 young people's voices are always heard.                  21 MS KARMY-JONES: It is just interesting, isn't it, that the                  22 Welsh experience doesn't seem to reflect the experience                  23 that Professor Mathews has told us about, which is                  24 crossing many borders and looking at many different                  25 systems. So perhaps the Welsh experience is a little</p> <p style="text-align: center;">Page 101</p>	<p>1 unique in that.                  2 But can I turn to a slightly different topic now                  3 which is what's the impact of mandatory reporting on                  4 victims of and survivors of child sexual abuse? In the                  5 sense that increased referral inevitably -- well, is it                  6 inevitable? -- means increased intervention in the lives                  7 of children and families? Does that undermine                  8 confidentiality for those contemplating disclosure?                  9 Does it risk causing families to engage with public                  10 services? Is that a risk? I mean, it's just something                  11 we touched on earlier, and I want to come back to it                  12 again.                  13 Paul, have you got anything you'd like to add to                  14 that, the impact on the victims?                  15 MR STEWART: I think it's very difficult really because, you                  16 know, when we talk about all the data that we've                  17 collected there and people's observations, and I think                  18 Albert's observation was right about we have a duty of                  19 care as adults to report whether mandatory reporting is                  20 in place or not. I mean, I genuinely believe that it's                  21 education that we need to look to improve, whether                  22 that's in a school setting or whatever setting that's                  23 in.                  24 The spikes, I think because that has been over                  25 a longer period than what Wales have probably introduced</p> <p style="text-align: center;">Page 102</p>
<p>1 it for, is probably why you haven't got the data from                  2 Wales really.                  3 But I think when we're all sat here, and what's                  4 happening out of just this afternoon for me, is the fact                  5 that everybody agrees that mandatory reporting is                  6 important; but it's the educational side that we keep                  7 coming back to, and people in whatever setting they're                  8 in, whether that be the school or the NHS, it seems that                  9 we need to make sure that they are better versed to be                  10 able to identify, spot, the signs of the abuse when it's                  11 actually happening.                  12 So, you know, it just keeps, to me, to keep coming                  13 back to the same sort of principle really, and that is                  14 awareness, education, so that the professionals and even                  15 the non-professionals like myself are educated around                  16 how we deal with disclosures. It isn't a matter of not                  17 reporting, it can't ever be a matter of not reporting,                  18 it's just being educated enough to know and see the                  19 signs of abuse when it's happening.                  20 MS KARMY-JONES: Thank you.                  21 Can I just ask one more question around the                  22 horseshoe and then I will go to the public gallery.                  23 Can I turn to you Tina. Thinking about the current                  24 situation in a more recreational setting, and looking at                  25 the scouts, volunteers, do you know how often the scouts</p> <p style="text-align: center;">Page 103</p>	<p>1 volunteers will report concerns about child sexual                  2 abuse?                  3 MS WILSON: Probably -- yes, we do. I think certainly from                  4 a scouts' point of view -- and it comes back to what I                  5 think you were saying really clearly Paul -- is                  6 prevention is our absolute priority. Mandatory                  7 reporting may well not play a part in that, the what                  8 we're looking to do in scouting is have that strong,                  9 open, challenging culture where it is okay to challenge                  10 each other, it's okay to challenge other leaders. And                  11 that's absolutely fundamental to the protection of                  12 children. So if everyone knows the rules of engagement,                  13 if young people know what adults should and shouldn't be                  14 doing around them, if the adults know that, they can                  15 actually challenge each other.                  16 So we've simplified it in the scouting, we have                  17 a Code of Conduct that every single adult who joins                  18 scouting has to sign up to, which is the rules of                  19 engagement, it's what we will and will not accept, it                  20 sets out our boundaries. That, for me, is absolutely                  21 fundamental in protection, more so than necessarily the                  22 mandatory reporting, because as part of what we do for                  23 adult volunteers -- and it's interesting you came back                  24 to some of the comments around the horseshoe was who is                  25 responsible for mandatory reporting? Is it</p> <p style="text-align: center;">Page 104</p>

<p>1 professionals? Is it volunteers? And we would say that                  2 what we do with all our volunteers is say if they have                  3 any concerns, and we mean the low level concerns,                  4 because low level concerns are what people use to start                  5 to groom everybody, a groomer, a person who is going to                  6 abuse a child, will groom the entire people, the                  7 atmosphere, everything. So we would absolutely support                  8 low level reporting of concerns because you pick up poor                  9 practice and grooming.                  10 MS KARMY-JONES: Yes. I'm just going to go to Yehudis                  11 because you wanted to add something.                  12 MS GOLDSOBEL: I do just want to add something, because you                  13 mentioned confidentiality, sort of from a disclosure,                  14 and then mandatory reporting.                  15 I'm obviously in vote of education and prevention,                  16 like that, it should be paramount, but I don't think it                  17 comes under mandatory reporting at all. I think when                  18 we're talking about children who are being sexually                  19 abused and raped, sometimes on a daily basis, I think                  20 confidentiality is off the table. We're talking about                  21 stopping it from happening again, and everyone that                  22 comes into contact with that child or young person needs                  23 to know that they have not just the best practice or                  24 a duty of care, they have a legal obligation to report                  25 and protect this child and young person to stop it from</p> <p style="text-align: center;">Page 105</p>	<p>1 happening again. Because it will happen again, it does                  2 happen again, every -- you know, I've heard hundreds of                  3 disclosures from people, they have come into contact                  4 while being a child and young person who are being                  5 abused, with numerous healthcare professionals, people                  6 in education, extended family members have tried to                  7 disclose in the way they knew how, have tried to say                  8 something. And if we just empower all those people to                  9 make a report, it could've stopped, you know, at that                  10 first incident, the next one, as opposed to often times                  11 going on for years.                  12 So I think the confidentiality or the concerns about                  13 families having to engage with services is almost                  14 nothing in comparison to what we think and what we know                  15 young children go through when it's sexual abuse.                  16 MS KARMY-JONES: So no more gaze aversion.                  17 MS GOLDSOBEL: Yes.                  18 MS KARMY-JONES: So one of the things perhaps we'll touch on                  19 tomorrow, and which perhaps everyone can think about                  20 overnight, is how do we -- because it does come down to,                  21 in a sense, a form of education, everyone getting to                  22 a point such as that point, how does consistency become                  23 a cross-border thing? How do we arrive at that                  24 position? How do we enable individuals to fulfil                  25 they're roles as mandatory reporters?</p> <p style="text-align: center;">Page 106</p>
<p>1 Something to think about overnight, but before we do                  2 that, and before we go, I would like now to turn to the                  3 public gallery and ask some questions.                  4 The gentleman in the corner first.                  5 Observations from THE PUBLIC GALLERY                  6 CORE PARTICIPANT: Hello. My name is Geoff Wyatt, I've been                  7 a consultant paediatrician since 1983. I think that                  8 this inquiry needs to recognise that we have been here                  9 before 30 years ago. Now, I respect the request to not                  10 criticise any individual or any group; I don't think the                  11 government is beyond criticism. We're not talking about                  12 the government now, but if the government had asked the                  13 Cleveland Inquiry to look into the diagnostic accuracy                  14 we wouldn't be here now, there would already be                  15 mandatory reporting legislation, it would have been put                  16 in place 30 years ago.                  17 Child sexual abuse, for most children, is under the                  18 carpet. Any discussion around hoping that a child's                  19 disclosure will rescue everyone else from the crisis of                  20 sexual abuse is misplaced.                  21 MS KARMY-JONES: Thank you.                  22 CORE PARTICIPANT: Hundreds of thousands -- sorry, hundreds                  23 of people wrote to the Cleveland Inquiry and said, "We                  24 cannot talk about this." They needed other people to                  25 talk on their behalf, as children. That was overlooked.</p> <p style="text-align: center;">Page 107</p>	<p>1 I gave evidence in 1987 under oath to the effect                  2 that a medical diagnosis of child sexual abuse was                  3 an important change in medical practice. I am one of                  4 the two consultant paediatricians who has made a medical                  5 diagnosis of child sexual abuse in children without                  6 prior complaint before the Cleveland crisis.                  7 I acted in 1987 in accordance with my duty of care                  8 and in line with the advice from the General Medical                  9 Council. I was not protected from the negative                  10 experience that followed; only mandatory reporting                  11 legislation would have protected me then, and that                  12 applies to every paediatrician in this country today.                  13 MS KARMY-JONES: Thank you. Yes, thank you.                  14 The lady in the front, please.                  15 CORE PARTICIPANT: So just two quick points. My name is                  16 Chris Tuck, I'm a survivor. Dr Nadine Harris Burke,                  17 adverse childhood experiences, study of 20,000                  18 victim/survivors was done, and basically it clearly                  19 showed that early intervention reduced toxic stress and                  20 decreased the impact of trauma, which improved mental                  21 and physical health of the individual, which decreased                  22 public expenditure in all areas. So please look up that                  23 study. There is a film on it. Very, very good. So                  24 that backs up what Professor Mathews was saying.                  25 Also for me what I've heard today is that, you know,</p> <p style="text-align: center;">Page 108</p>

<p>1 children don't often disclose verbally and it's not 2 their duty to do this, okay? It's up to us adults to be 3 there for the children. 4 They will show signs and symptoms of distress, and 5 if we're not able to pick that up that is our duty of 6 care to do that and it's our duty of care to actually 7 make sure that we pass that information on, so that 8 child gets the interventions that they need, so that 9 they are not a cost to society for the rest of their 10 entire life. Yes? 11 But also when they do disclose, the backup support 12 from all the systems, this needs to be properly 13 resourced because if that disclosure is not taken up and 14 passed on, that child is then placed back with the 15 abusive environment that they've come from, and they 16 will close down and they will deny that that abuse will 17 have happened. It's happened to too many people. 18 If the child is removed, their next place of where 19 they live needs to be safe, and this is an inquiry of 20 institutional abuse, abuse in childcare homes, yeah? 21 Are we taking a child out of an abusive situation and 22 placing them in another abusive situation? That has got 23 to stop, because otherwise we'll have another inquiry 24 like this in 30 years' time. 25 MS KARMY-JONES: Do we have anyone who hasn't had</p> <p style="text-align: center;">Page 109</p>	<p>1 an opportunity yet to speak who would like to? The 2 gentleman in the back. 3 CORE PARTICIPANT: Hello, my name is Gerard Kerslake and I'm 4 here from Estyn, which is the inspectorate for education 5 and training in Wales. 6 I was interested in some of the conversation earlier 7 which is away from child disclosure and more in terms of 8 identifying professional practice and poor professional 9 practice, in particular grooming behaviour. I wonder if 10 there's any consideration being placed in the discussion 11 around structures which should challenge the 12 professional collusion that can potentially go on 13 between professional staff, between managers within 14 schools and their staff, governing bodies and those 15 managers and local authorities, particularly in Wales. 16 It's slightly different in Wales to England, local 17 authorities have a stronger role in Wales than they do 18 in England. 19 So there's the potential for collusion within the 20 system to protect the reputation of individual teachers 21 and individual institutions, and also the unions can 22 also become involved in this process in order to protect 23 individual professionals. 24 I just wonder, in terms of the discussion around 25 mandatory reporting, if there's any consideration going</p> <p style="text-align: center;">Page 110</p>
<p>1 into how to challenge those structures to make sure that 2 all of their behaviours are about placing the child 3 first, in particular when there is an allegation about 4 particularly early grooming behaviour by a professional, 5 that that is not suppressed, in particular action from 6 unions which might seek to protect the professional 7 where there's an allegation that it's an unsubstantiated 8 case, for instance. 9 But I think the issue is much bigger than simply 10 whether a child reports to an adult and then whether the 11 adult takes it on, that in itself is of substance, but 12 also the other stuff about professional behaviours and 13 identifying those early on. 14 MS KARMY-JONES: Thank you very much. That's an interesting 15 point about the culture of professional collusion, and 16 it may be something that we come back to tomorrow and 17 something to think about overnight. 18 In line with those last points and the points that 19 you've heard raised from the public gallery, can I ask 20 you to also think about a couple of other things. 21 Openly, open minds, just really could you think 22 overnight about what are the other considerations, we've 23 talked a lot about the impact of mandatory reporting in 24 relation to, you know, resource and that sort of thing, 25 but what are the other considerations particularly</p> <p style="text-align: center;">Page 111</p>	<p>1 against mandatory reporting? Even those of you who are 2 very much for, just think -- I wonder, can you come up 3 with one good reason against? And are there any 4 challenges to identifying and reporting concerns about 5 child sexual abuse in your own areas of work? And, if 6 so, are there things that could be done to overcome 7 them? How do you deal with the difficulties, the 8 challenges? What elements of mandatory reporting have 9 the potential to have an impact on professionals or 10 individuals working in your sector? And is there 11 anything else that we need to consider as part of this 12 seminar? 13 We have a session at the end that's a little bit of 14 a mop-up session where we're hoping to draw a number of 15 strands together. 16 So if you could think about those things it would 17 assist us greatly for tomorrow, and we'll come back to 18 some of the questions today then. 19 If I can hand over now, chair. 20 THE CHAIR: I just want to say thank you to everyone for the 21 participation today given there's a lot to think about. 22 Particularly thanks to Professor Mathews for two very 23 illuminating inputs. Thank you. 24 We'll reconvene tomorrow. 25 (4.30 pm)</p> <p style="text-align: center;">Page 112</p>

1 (The hearing concluded until  
2 Tuesday, 30 April 2019 at 10.00 am)  
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4  
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6  
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